

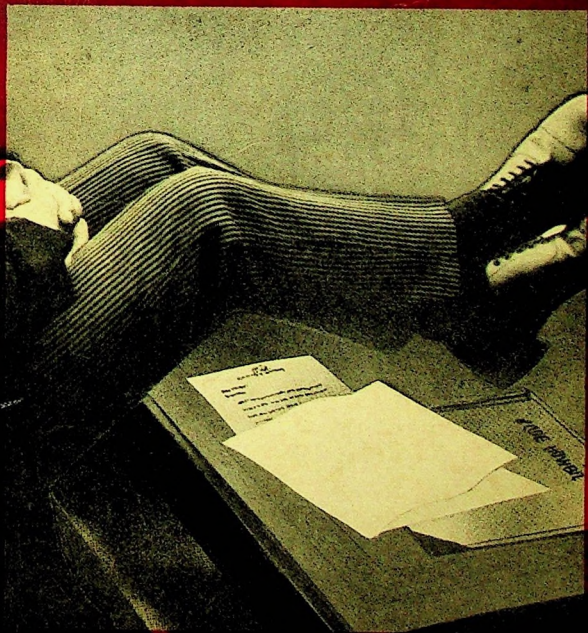
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What's Wrong with **PARLIAMENT?**

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Anthony Whichelow

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The nation at large needed it; some wise men predicted that it would ruin England; some still wiser men seized upon minor inconveniences that resulted from it as quite sufficient to damn it; and succeeding generations wondered why it had not been passed a century earlier.

– Winfield, *The Chief Sources of English Legal History* (1925), on a statute of 1731 which made English the language of the Law.

Chapter 1

Introduction

In 1945 the reputation of the British Parliament stood as high as ever before in its long history. The war had proved that the House of Commons was not only fully capable of representing the people's grievances adequately, it was also an extremely efficient instrument of Government. When, in 1939, the outbreak of war required that almost total powers should be allowed to the Government, the vast amount of legislation necessary was passed rapidly but with due prudence; and subsequently the Commons continued to watch jealously to ensure that the Government used their great power with proper discretion. At a time when defeat must have seemed possible, the House spent two days debating whether foreigners in British internment camps were receiving fair treatment. The Prime Minister's personal authority at that time was greater perhaps than that of any of his predecessors; but he could not persuade the Commons to break with precedent on such a trivial matter as to allow his speeches to be recorded (and later broadcast). The House – which had, after all, forced the resignation of Mr Chamberlain – was at that time proud of its achievements and convinced of its own importance. It was a power in the land, and it was with the greatest confidence that post-war Governments gave to the former colonies and dependent countries, as they became independent, a system of government which included as its centrepiece the Westminster type of Parliament.

How high does Parliament's reputation stand today? Judged by the attitude of the press, not very high. It is common form for the newspapers to contain articles on the decline of Parliament and how it may be arrested. A notable leader in *The Times* on 23 October 1957 said that the House of Commons contained 'far too many little men', engaged in 'desperate fighting over things that do not matter'. Other newspapers, and commentators on the

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radio and television, have followed along the same track. When one turns to the books written on Parliament in the post-war years, there is the same ubiquitous pessimism: *The Passing of Parliament*, *Can Parliament Survive?*, *Parliament in Danger!*, *Has Parliament a Future?*, *Change or Decay*, are only some of the post-war titles in a bibliography on the subject.

It is less easy to establish what the British public think of their Parliament today; grumbling about legislators is, after all, traditional. Certainly there seems to be as much demand to attend debates of the House as there ever has been; and when the proposal to televise proceedings in the House is canvassed from time to time there seems to be no strong distaste for the idea. It could, however, be the case that the attraction of the debates is purely theatrical: the public go on attending not because the production is good, not because the actors draw them to the performance, but because the theme of the play attracts them. Perhaps a more telling indication of the public's attitude towards Parliament is given by the number of copies of *Hansard* they wish to buy; average daily sales in recent years have been:

In 1945, 8,889
1950, 3,384
1955, 2,678
1960, 2,332
1963, 2,170.

More significant, though, than the attitude of press and public towards Parliament is that of Members themselves. The number of gifted men who have voluntarily left Parliament in the last seven or eight years has been quite out of the ordinary; on the Labour side alone, the loss of such men as Lord Robens, Mr Younger, Sir Geoffrey de Freitas, Mr John Freeman, Lord Shawcross, Mr Marquand, and Mr Chetwynd – all of ministerial experience or calibre – has very considerably weakened a team which was already short of established public figures. Resignation is always a personal matter, but resignations on this scale seem to indicate a considerable loss of faith in the importance of the Opposition's function in the House of Commons. It would be valuable to have a symposium, in the confessional spirit of the disillusioned left-wing extremists of the 1930s who contributed to

The God That Failed, on the reasons these Labour leaders and such Conservatives as Mr Hollis and Captain Waterhouse gave up their seats.

Another reason for believing that Members do not have the same confidence in the House as they once had is suggested by an observation of a former Clerk of the House, Sir Edward Fellowes. Looking back over the forty years for which he served the House, he has pointed out that a change has taken place, since 1945, in the authority wielded by the Speaker of the House. Nowadays, he says, most rulings of the Chair are subjected to a good deal of questioning which the moral discipline previously exercised by the House as a whole no longer controls. If the corpus of Members is no longer able to exert so much moral discipline on its individuals, it is logical to believe that the respect of those individuals for the House as a whole has deteriorated.

It seems then, as one considers current attitudes to Parliament and then compares them with those of 1945, that the massive general goodwill towards Parliament has been gradually frittered away. Perhaps Parliament has forfeited it in its irritable sallies against the press, in innumerable false points of order, and in what seems to have been an undue submissiveness to the Whips. Comparatively speaking, today's Parliament wears a hangdog air; it gives a down-at-heels appearance, with Members working in considerable discomfort for salaries about which they constantly complain.

Even the missionary dream has faded to some extent. As late as 1960 Colonial Secretaries were saying, to countries on the verge of independence, 'Why do we give you a Westminster type constitution? Because we know you would accept nothing less.' But, as one looks around Africa now, the confident morning has clouded over. Ours may be the Mother of Parliaments, but not all her children can fill her with pride; at their best, some of them are only good in parts. Perhaps even in the Colonial Office there may now be a suspicion that the Westminster type of constitution, instead of turning all to gold, has proved to be no more than the goose which laid the curate's eggs.

What has gone wrong? Before we begin our dissection of Parliament, it should be remembered that Parliament is not the only British institution which has come under severe criticism lately.

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(This book, for instance, is only one of a series which treats several aspects of public life today.) There is a general criticism with much that is old, and much that used to be respected, in Britain; perhaps it is the strain of readjustment to the changed place of Britain in the world, or perhaps it comes from living too close to the bomb. Furthermore, while the authority of the main political parties has seemed to be so strong in Parliament in recent years, the parties themselves have from time to time been engaged in internal rivalries which have irritated their supporters at large. As a result, there has been some general disenchantment with political parties, much of which has rubbed off on Parliament itself. These considerations might explain why people are not prepared to go on accepting the shortcomings of their Parliament. But they do not in any way explain or justify the shortcomings themselves. It is with these that we are concerned.

In our analysis of Parliament today, we will examine chiefly the changes that have taken place in Parliament since 1945, and assess whether these changes have been harmful or not; but some of the weaknesses will be found to be deep-seated, and to throw retrospective doubt on whether the optimism of 1945 was justified. This analysis will lead us to suggest how best the House of Commons could reform its procedure.

Many proposals have been put forward from time to time on what should be done; they range from the visionary – the ‘let’s move Parliament to Marston Moor’ school of thought – to the sterner, more realistic approach of Guy Fawkes. We have limited our own suggestions entirely to remedies which are practical – not merely practical in that they could be made to work, but practical in the sense that the House of Commons might, we believe, in the not too far distant future be persuaded to adopt them.

*

None of our proposals touches the House of Lords. A book on Parliament which wholly ignores one of its two Houses clearly lays itself open to a charge of Nelsonian blindness. But we feel that, after applying the same tests to it as we do to the Commons, no proposals for the reform of its procedure stand out as clearly necessary in the way they do for the other House.

Consider the changes that have come over the House of Lords

since 1945. The period for which it can hold up legislation sent to it by the Commons has been drastically cut, from two years to one (in practice rather less than one, for the year runs from a Bill's first Second Reading in the Commons to its second Third Reading there). Its composition, too, has been considerably overhauled. Since 1958, when official leave of absence was instituted for peers, the potential effective size of the House has been reduced from over 900 to a little more than 600. Among the 600 are some 45 life peers, including 4 women; and all peers, whether hereditary or life, receive an allowance for attending the House. The new Peerage Act, while increasing the number of hereditary Scottish peers, and of peeresses, in the House of Lords, has also removed the bar on hereditary peers' serving in the House of Commons if they so prefer.

These reforms, made piecemeal over the last fifteen years, have, taken as a whole, transformed the working of the House of Lords. They have not, however, altogether removed one major criticism that can be made about it: this is of course the fact that it is still predominantly composed of men whose membership stems from the achievements of their ancestors. In 1948 leaders of all the political parties officially subscribed to the belief that the hereditary principle should be abolished; but the changes made since then have only diluted the hereditary content, without removing it.

It can accordingly be argued that there is a strong case for reforming the unrepresentative nature of the House of Lords. But no such case can, in our view, be made out against the *procedure* of the Lords. For when we turn to consider the quality of the work done by the Lords since the war, there is little cause for complaint. The fact that a radical Government found in 1945-50 that the Lords played an essential part in getting through their vast legislative programme tells its own story. The work done by the Lords in improving the London Government Bill, after debate in the Commons had been truncated by the guillotine, is only the most recent example of what the state owes to their House. (It is not generally realized that a Government could not have recourse to a guillotine in the Commons if it were not confident that the measure would be examined in detail, and if necessary improved, in the Lords.) It is possible that the House of Lords stands higher in the public esteem today than does the House of Commons. Looking

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back over its history since the war, there is certainly no *prima facie* call for urgent reform, as there is in the Commons. Indeed in this respect the Commons is comparable with British Railways before Dr Beeching and the Lords with the streamlined efficiency that is expected to follow him.

It might further be argued that some of the work being done by both Houses (such as the oversight of delegated legislation) could now safely be left in the hands of the reformed Lords alone; that changes, in other words, should be made in the direction of increasing the influence of the Lords *vis-à-vis* the Commons. Such changes would undoubtedly help the House of Commons by reducing the claims on its time, but these, too, will not be considered in this book, because they fail to satisfy the other requirement we have imposed on ourselves: namely, that we shall only put forward suggestions for reform which we think the Commons might accept. Centuries of conflict between the two Houses have left the Commons a groundswell of suspicion towards 'another place'. Any rearrangement of the functions of the two Houses would require the assent of both, and we doubt whether at the present time the Commons would agree to a change that might reduce their own influence.

It is a platitude to observe that, under the conditions of life today, Governments are liable at any time to find themselves faced by a need to take decisions of cataclysmic importance. If a situation exists where such decisions might need to be taken, the point of view of the people can only be brought to bear effectively on the Government by Parliament. In the long and honourable history of Parliament, there was never a time when the people needed so much to be able to trust it.

This book is written in the belief that that trust does not exist to the extent it should do and to the extent that it could easily be made to.

Chapter 2

The Root of the Evil

If you were to stop some people in the street and ask them what Parliament was *about*, you would get a variety of answers. 'Politics', 'Government', 'Laws', are some of the replies you could expect; 'Freedom', might say the man who thinks in terms of principle. To a certain extent each of them would be right; but none of them would have gone to the basis and heart of Parliament. For although other attributes seem superficially more important, and though one might have hoped for a higher-sounding *raison d'être*, the historical roots of Parliament lie, very simply, in money.

It was because our early despots needed the people's money in order to be able to govern them that they eventually found it necessary to call together representatives from the people. These representatives were able to lay down conditions on which the money would be supplied; they were able to demand more equitable government in return for their money – 'the redress of grievances precedes supply'. Centuries later, they were able to insist that the proceeds of taxes raised for a particular purpose should be spent on that particular purpose alone.

Tudor monarchs convened Parliaments only when they needed money. In later centuries, many of the greatest constitutional battles fought out in Parliament stemmed from the people's right to a say in their own taxation and in the way the proceeds from it were to be spent. Ship Money is a simple example. The revolt of the American colonists – 'No taxation without representation' – is another. In our century the epic clash between Lords and Commons was fundamentally on the right of the people's representatives, and of them alone, to control the country's taxation and expenditure.

The control of the nation's money is at the heart of our parliamentary system. It is right that we should turn to consider it

first, for it may be that Parliament is suffering from heart trouble.

*

As a recognition of the vastly important part played in its evolution by money, the House of Commons has been at great pains to preserve the purity of its control over the country's finances. It has enshrined in its Standing Orders procedures that are baffling in their complication, and rites that have the air of religious arcana. It would be a brave Member of Parliament who would be willing to tell you, off the cuff, the exact differences between the Committee of Supply, the Committee of Ways and Means, the Committee of Ways and Means (Spending), and a Money Committee of the Whole House (which are the different names the House calls itself when considering different aspects of public finance). The whole system has been described by Sir Ivor Jennings as 'mumbo-jumboism'; yet the House has clung to it in the belief that it can thereby maintain its hold over the country's finances. Above all, the procedure is meant to constitute a control over the Government in their spending of the people's money – 'Supply', as it is called.

Let us consider Supply procedure for a moment. In February or March each year, the Government produce their Estimates of the amounts of money required to govern the country in the financial year to come. The sums of money are broken down in great detail, so that the House should know exactly why they are being asked to vote this amount to the Government. The House does not hurry to give the Government what they have asked for; but, because the financial year begins in April, it is prepared to allow the Government a certain amount 'on account' – to let the process of government continue for the next few months, while it gets on with a leisurely examination of whether or not to give the Government the whole sum which they have asked for. When the 'Vote on Account' has been agreed to, the House passes a Bill, the first Consolidated Fund Bill, giving legislative sanction to the Government's spending of that amount. On Second Reading, in Committee, on Report, and on Third Reading of this Bill, the House is able to debate both the principle and the detail of the Government's plans for spending the people's money. There is no time

limit on the debates on this kind of Bill, so that the examination of the Government's proposals can be as long and as thorough as Members desire.

This Bill is passed by the beginning of the financial year in April. Having thus staved off the Government's urgent need for money, the House is then able, throughout the summer, to devote itself to a detailed examination of the Estimates. Twenty-six days are, in all, spent on the business of Supply; that is, about one day in every six on which the House sits. By the end of July these days have all been used, and the House goes on to pass another Consolidated Fund Bill, granting to the Government the full amount which, in the House's opinion, they deserve, and stipulating exactly how the money is to be spent. The debates on this Bill, as on the other, are not time-bound. If, later in the year, the Government find that they need more money, they must present Supplementary Estimates which go through the same procedure, and can be examined with as much care, as the Main Estimates.

So much for Government spending. When it comes to taxation, the House has an equally thorough procedure for the examination, in principle and in detail, of what the Government propose. Without setting out the details of this procedure in full, we recall that the long debate on the Budget (which gives the Government's plans for taxation for the ensuing year) is followed by the endless sittings of the House on the Finance Bill (which is the legislation that embodies those plans). There are a number of mysterious niceties of procedure here, too, which confirm our picture of a House which has, over the centuries, gone to immense pains to ensure that it should be able to control the nation's finances.

In all financial procedure, there are two overriding considerations. First, it is for the Government, and the Government alone, to *initiate* all proposals for spending and for taxing. Second, it is for the House of Commons, and that House alone, to agree to, to modify, or to reject the Government's proposals in these matters. There is in other words a clearly defined balance of responsibilities: it is for the Government to say how they would like to raise and spend money, and it is for the House of Commons to allow or disallow the proposals. The Government propose, and the House disposes.

*

In the exercise of its financial function, the House of Commons spends nearly a third of its total sitting time. In view of its historic role of protector of the people's money, this high proportion of time should not surprise us. It is indeed rather comforting to think that the House is concerning itself so thoroughly with our finances. But we must go on to ask how effective the House is proving in its control of public money; we must establish how far each Government's plans are, in fact, affected by the scrutiny of them made by the House.

The answer seems to be – not very much. We have noticed how, in theory, the House spends a great deal of its time each year in examining the individual Estimates of expenditure which the Government have laid before it. To qualify that impression of a vigilant, suspicious House, we must now notice that this long-drawn-out examination, year after year, results in no economies at all. It is indeed more than forty years since the House forced the Government to reduce an Estimate – and then it was a proposal concerning Members' own travelling allowances that they were so bold as to reject. Two years earlier (in 1919), in another headstrong flurry of economy, the House had thrown out an Estimate designed to provide a second bathroom in the Lord Chancellor's residence. These are the only two occasions on which the Government's plans of expenditure, as expressed in the Estimates, have been thwarted by a parsimonious House since the First World War. Neither example could be considered a major victory for the forces of retrenchment; yet they are a good deal more than the House can show for its last forty years of work in this field.

It can of course be argued that although the House does not now have any positive effect on Government expenditure, its very existence is a check on the Government; that the Government, in other words, are restricted in the making of their plans by fear of what the House may do to them. There may be a little validity in this view; it may be true that the House exercises a kind of hidden control over the financial plans which the Government lay before it. But the point cannot be stretched too far, because it would follow logically that for forty years the Government of the day have estimated exactly how forebearing the House will prove to be to them; that for forty years they have gauged exactly what the House will let them get away with. This, on any showing, pre-

supposes that Governments possess a percipience little short of magical.

The truth is that the control by the House of Government spending, a control which was once almost imperial in its scope, is now largely non-existent. Consider, for instance, how the Government of the day were able to commit the country to a policy of making nuclear bombs. This was undoubtedly one of the most far-reaching decisions ever taken by a British Government; and it was taken by the then Government without Parliament's being consulted in any way. Now it can be argued, with justice, that there are some circumstances in which Governments ought to take major decisions without consulting Parliament. There is no question but that a wartime Government would have had to act entirely on their own initiative in this kind of matter; and the general insecurity in the first years after the war could have justified the Government's stealth. No one can doubt that the decision was taken on the most patriotic grounds. But the interesting question from our point of view is this: how did the Government expect to be able to pay for this gigantic change in policy?

The decision to make the bomb was not only one of the most vital of peacetime decisions, it was also one of the most expensive. (In January 1963, the cost of maintaining an independent nuclear deterrent since 1948 was officially estimated at about £1,000 million.) We know that one of the prime functions of the House of Commons is the examination of Government expenditure; we have seen that the House has always been at pains to provide itself with a great number of opportunities to examine and question the Estimates. We have noticed the importance which former Parliaments attached to 'appropriating' public money – to insisting, that is, that public money is spent only on purposes which the House has authorized. Yet, in the light of these fundamental principles, the Government of the day were able to embark on the manufacture of the bomb, in full confidence that the House would allow them the money without knowing what it was to be used for.

Looking back, one can only hold one's breath and marvel at the superb effrontery of the manoeuvre. One cannot though excuse a House which went on voting huge sums of money each year, ostensibly but vaguely on 'research', which could be and then were used on building the bomb and setting up the whole huge

apparatus for its regular production. The cost of the initial operation, which was borne entirely on the vote of the Ministry of Supply, was later authoritatively given as 'well over £100 million'.

This one example illustrates the ease with which a determined Government can achieve their ends, whether or not the House approves of them. It also spells out, with brutal clarity, the ineffectiveness of the House's procedure for controlling expenditure. The forms are observed with great solemnity; there are the Supply Days and the Consolidated Fund Bills each session, but the odd hundred million can still, it seems, slip through without the House knowing what it is to be used for. In the devoted way in which they have clung to old procedures which once effectively controlled the public finance, Members have failed to notice that the procedures themselves no longer grip on to the subject. The bit and the reins are very well looked after, and the stable door is double-locked, but no one looks inside.

You praise the firm restraint with which they work,
I'm with you there of course:
They use the snaffle and the curb all right –
But where's the bloody horse?

*

The financial procedure of the House, we have noted, is built on the assumptions that the Government alone have the initiative for spending public money, and that the House examines the Government's proposals and then allows them certain definite sums for certain definite purposes. But there are signs that the House, if it had its way, would in fact radically alter this basis. It would if it could assume for itself the initiative for spending. A Chancellor of the Exchequer, in explaining why he had failed, by £111 million, to keep Government spending to what he considered the country could afford in that year, could point out, 'The task of containing public expenditure both on current and capital account is made harder by the constant pressure in this House for higher Government spending on many different objectives.' The Minister of Transport can say, as an agreeable pleasantry, 'The House of Commons has always been noted for asking for individual things which in total amount to more than the nation's resources.'

Now that the House has abandoned its traditional role, the only

curb on Government expenditure today is – the Government. When our economy is in distress, help can only come from that most unlikely of all St Georges, the Treasury. This is not to say that the control of public spending is not now, as it always has been, at the heart of political controversy. On the contrary, as the Bevan-Gaitskell and the Thorneycroft-Macmillan disagreements showed, it remains the central factor in many of our biggest political disputes. But, as those cases also showed, these are disputes that are fought out inside the Government and not inside the House. They are the little local difficulties that Governments, and not the House, have to surmount.

With the Government now acting as the only effective curb on their own expenditure, complacency could only be justified if their self-control was effective. But it isn't, and possibly can never hope to be. In recent years we have heard of agricultural subsidies which exceeded their Estimates by £78 million; of the Blue Steel missile, the development of which was undertaken in the belief that it would cost about £12 million, and in fact cost five times that amount; of Blue Streak, which started in 1950 at an estimated cost of £50 million, and by 1960 was estimated to cost something in the region of £300 million. The British Transport Commission is by statute required, in general, to break even year by year; in each of the three years since 1961-2 it has needed, on average, about £140 million of public money.

We noted how the origins of Parliament were embedded in the people's desire to have some control over the money which they paid in taxes. This is still today a subject on which there is universal agreement. On policies and laws there may be argument; but everyone dislikes paying taxes, and everyone resents increases in the cost of living.

In their dissatisfaction with the state of the country's economy, people blame the Government. But they also blame Parliament, believing, fairly enough, that it is through Parliament that their resentment should grip on to and affect Government policy. As apparently it fails to do so, the *raison d'être* of Parliament is called in doubt. In the public eye, the first thing that is wrong with Parliament is that it no longer controls the Government's handling of the people's money.

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What has gone wrong? Why is the House of Commons no longer able to bear on Government expenditure in any effective manner? It has been suggested, by Mr Paul Einzig among others, that the House never now rejects an Estimate because it believes that to do so would automatically entail the resignation of the Government. Yet there have been many examples in the past of Governments' surviving a defeat on their Estimates; where such a defeat has been followed by resignation, it has been because the Government of the day were looking for a reason for resigning. In any case, no British Government ever feel themselves wholly bound by precedent; constitutional decisions are taken in the light of present-day needs, and the precedents are only invoked afterwards (the glory of the British Constitution is its great wealth of contradictory precedents). Even where an Estimate reflects, in itself, a major Government policy, a defeat on it could be interpreted as a criticism of its administration, rather than of the actual policy itself. If expedient the Minister could be sacked; but the Government could not necessarily be required to resign (assuming, that is, that they did not want to). They would instead place before the House a motion of confidence on the subject in question, and make it clear that their resignation would only follow defeat in that debate. The resilience of a defeated Government should never be underestimated.

A more likely reason for the House's growing disinterest in the saving of public money is the vast extension of the field in which Governments operate. In fifty years, this has increased out of all recognition. There are now so many areas of expenditure that might profitably be questioned that, paradoxically, there is less urge to mount an attack on any single one. The task is so large that one doesn't know where to begin. Furthermore, the sums involved are so huge that an appreciable saving in one field is no longer likely to be directly reflected in lower taxation. The increased scope and complexity of Government activity, which is examined from a different angle in the next chapter, has thus withdrawn much from the relish with which Members would once have mounted attacks on individual items of expenditure.

In this respect, the prototype of the dedicated Member of Parliament is Joseph Hume who, in the early nineteenth century, set a standard of conduct which could be a useful pattern for all

Members since. He devoted himself to challenging the extent to which Government expenditure was said to be necessary. Other Members joined him, and used to meet together to elaborate and concert their attempts to achieve economies. Luke Graves Hansard, as Government printer of the time, was one of those who suffered from their activities; he has recorded how the group used to employ at their own expense a staff of clerks to dissect the abstracts of public expenditure and collect information which the Members were later able to use in the House.

Contrast their attitude with the state of affairs today. In 1960 the Treasury proposed that they should no longer give as much detail to the House about Government expenditure as they previously had done. They suggested that the Estimates should come out in a different format, and that much detail which they had always previously given should henceforward be omitted. The Estimates Committee, who are charged by the House to consider, among other things, the form and printing of the Estimates, protested strongly on the House's behalf. There was an article or two in the press. But in 1962 the Estimates duly appeared in their new style; in total, the Civil Estimates occupied 542 pages; the previous year, they had occupied 1,178 pages. (Another indication of the size of the change is given by the index to the Estimates, which is the only comprehensive list of items of Government spending, and must be the startpoint of any Member's attack on the subject: the previous index listed about 4,000 items and sub-items, the new one, 1,250.) The suspicion exists that Joseph Hume and his friends would not have allowed the Government in their day to withdraw so much information from the people's representatives without very much angrier repercussions.

But perhaps an even more significant pointer to the increasing lack of interest shown by the House in the whole subject of Supply is given by the changes in financial procedure which the House agreed to in 1947-8 and which, with some modifications, operate today. In particular, the effect of these changes was greatly to reduce the time available for the consideration of Supplementary Estimates. Yet, in the years since then, the amount of these Supplementaries has increased very considerably indeed; in the last twelve years they have averaged about £170 million a year. So, in the period when Supplementaries have become a factor

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of such importance, the opportunity for debating them has been restricted.

This, and the other changes made in 1947-8, undoubtedly added to the general effectiveness of the House as a debating machine, but they did so at the expense of its capacity to control the detailed Estimates which it votes each year. In the diminished opportunities open to them, a few Members who care deeply about Government expenditure have from time to time mounted attacks on the subject, but they have never been able to achieve very much, because the great majority of their colleagues have not been sufficiently interested to support them. In an assembly of 630 Members, the handful of zealots has been easily swamped by those who are indifferent.

It would in fact seem that, in the present circumstances of vast public expenditure, the House's attitude militates against those who still try to carry out their traditional job of questioning whether all that expenditure is necessary. When Governments spend thousands of millions annually, it is not surprising that the weight of the House's opinion is apt to turn against those of its members who would like to keep the rest up all night in an attempt to save what may only be the odd thousand or two. If expenditure is so huge, the obvious thing is to do what most Members would prefer to do - that is, let the Government have the money, but try to persuade them to spend a few millions more on subjects which particular Members feel to have been undervalued. So we reach the stage, mentioned earlier, where the House of Commons becomes noted for its demands for *increased* expenditure, rather than the reverse.

Indeed there is, if one thinks about it, something rather absurd in the idea of a body of over 600 men and women trying to debate the matters of detail which the Estimates comprise. The cool appraisal and the careful deliberation which are necessary for such work are not likely to be found in those conditions. Furthermore, give a politician an audience, let him know that reporters from the whole national press are listening, and he would prefer to make a broad statesmanlike speech rather than concern himself with small details of public expenditure. Everything about the Committee of Supply, in other words, conspires against its effective functioning as the keeper of the public purse. Yet it remains the

principal weapon which the House wields in order to carry out Parliament's prime historic purpose.

The weapon was undoubtedly effective at some stage. During the nineteenth century, with Hume and his fellow enthusiasts tirelessly scrutinizing a total Government expenditure of a few million, it worked well. But since then there have been vast changes. Government now has spread its control into fields which it did not then dream of touching. Expenditure in 1963-4 is expected to exceed £6,000 million, and much of it is now on complicated technical subjects which Members may not understand. There is no longer time for a stately examination of the Estimates each year. Perhaps Members too have changed. With the spread of newspaper reporting, and wireless and television, they may prefer to be known as discriminating spenders rather than as indiscriminating retrenchers. Perhaps, too, party discipline is now effective enough to turn the attention of Government supporters away from the examination of detail, to the less hurtful suggesting of broad new policies.

Whatever the reasons, it is a fact that at some moment in the first quarter of the twentieth century the House of Commons crossed a watershed. Up until that time, though with decreasing effectiveness, the House was able to exercise some control over Government spending. Since that time, with increasing hopelessness, it has failed to do so.

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It would not be right to say that the House has been unaware of the changes that have been taking place in its financial role in recent times. On the contrary, Members are considerably more wary about, for instance, the full financial implications of the policies they approve. They realize that, once Parliament assents to a new policy, the bill for implementing it will continue to come in for many years, perhaps with ever-increasing demands, and that the traditional Supply procedure will not be able to hold it in check.

But this increased awareness of future expenditure is no guarantee that such money as will be spent will be spent well. Even if total expenditure were kept in check (and heaven knows this seems to be against all contemporary experience), there is no assurance that the country will be getting value for money. Every year new reports

are produced which show, again and again, instances where public money was not spent as wisely as it might have been.

The interesting thing is that these reports are produced by an organ of the House itself – by its Public Accounts Committee. This Committee, with the aid of the Comptroller and Auditor-General (himself an officer of the House) and his department, is constantly investigating the results of Government spending. Its excellent reports, and its very existence, act as a most powerful corrective. Civil servants, doing their best for the state, know that if they are careless with the public's money the House might be easily hoodwinked but the Public Accounts Committee will not be.

This Committee and the Members who comprise it do excellent work on our behalf. But their work is not, and cannot be, a full assurance that our money is being well spent. For the startpoint of their investigations is the published accounts of the various departments. The Committee is dealing, in other words, with the past; they are carrying out a post-mortem, not a healing operation. They are concerned with mistakes made by civil servants some time ago, when carrying out policies which may no longer be relevant or of interest. Although each moral drawn by the Committee from their examination of things past may prevent the recurrence of the mistake in the future, it will not necessarily result in any economy in the current running of affairs. As a result, there is sometimes a faint attitude of shrugged shoulders about Governments' reactions to the criticisms of the Committee. They may promise to do better next time; but the money has already been spent, and there may not be a next time for that particular form of expenditure.

But the House has another Committee which is busy the whole time in the examination of *current* Government expenditure. This is the Estimates Committee, whose sub-committees are all the time carrying out investigations of ways in which the Government are involved, at this very minute, in spending the people's money. In a painstaking way they find out why it takes so much money to perform a particular function of Government, and they are able to suggest ways in which savings could be made.

The scope of the Committee's activities is extremely wide. In 1962–3, for example, they issued reports on subjects so diverse as immigration control, Admiralty buildings, the development districts, military expenditure overseas, the Ordnance Survey, the

dental services, and No. 10 Downing Street; they also drew attention to the major changes in Government expenditure since the previous year, and to some noteworthy aspects of the Supplementary Estimates. They were able to make a great number of pungent criticisms of how the administration of departments had been at fault. On other occasions, their inquiries have covered a very wide field; their report on Treasury Control, for instance, led to great changes in the whole system of Government finance. The effect which the Committee have on the whole Government service is vast, because no department can guess in which direction the Committee will turn their attention next.

In the light of the failure of the House itself to act as any form of check on Government expenditure, it is obvious that the work of the Estimates and Public Accounts Committees is now the major means by which Parliament tries to ensure that the country gets value for the money which it hands over in taxation. Mr Christopher Hollis, in a book significantly entitled *Can Parliament Survive?*, has said that service on the Estimates and Public Accounts Committees is almost the only truly valuable form of service which a backbencher can perform in Parliament today.

As we look out over the House's financial procedures, we are left with the conviction that one branch of the House's activities – its Select Committees – is busy showing up the deficiencies of another – the Committee of Supply. This is hardly surprising. From the experience of Joseph Hume to the theory of Professor Parkinson, there is a clear line of opinion that the only effective medium for the detailed examination of financial proposals is a small group of people, working from established facts; certainly not a body of 600 meeting in public and making speeches at each other.

It would seem that the House has itself begun to understand this. We have mentioned that in the changes in procedure made in 1947–8 the opportunities of the Committee of Supply were cut down; it is significant that it was at about that time that the Estimates Committee was set up in its present guise. Later changes have continued the process of increasing the effectiveness of the latter, while continuing to derogate from that of the Committee of Supply.

But there are at least 180 Votes (or main items) in the Estimates

today; even with their six sub-committees, it would take the Estimates Committee many years to investigate all of them. As a result, there is a large area of Government which can get by for a great number of years without having to justify the spending for which it is currently responsible. It must also be remembered that the Estimates Committee (unlike the Committee of Supply) is debarred from criticizing the policy which has led to particular expenditures; they can only inquire whether that policy is being carried out with economy and efficiency.

It would be logical, in the situation we have described, for the House to increase greatly the scope and activities of the Estimates Committee, or to set up some new machinery to expand their work. The Committee of Supply could profit from the new situation by concentrating on debating the reports of the Estimates Committee; with the facts established in the reports, it would be possible for the debate to have more cogency than the Committee of Supply's debates usually have nowadays. In addition, the Committee of Supply should limit its concern to broader attacks on the Estimates than the Committee of Estimates are able to make.

There have been changes in this direction in recent years. A few days in each Session are now regularly given over to debating select Committee reports, and persistent Members such as Mr Ellis Smith and the former Lord Hinchinbrooke have occasionally been able to force the House to debate general trends in expenditure. But much more needs to be done and we will, in a later chapter, suggest how an extension of the work at present being done by the Estimates Committee can usefully be part of a general improvement in the functioning of the House of Commons.

Improvement is certainly needed. For as one looks back at the uncounted millions which Governments (always with the best of motives) have squandered since the war it is not difficult to lay the blame at the feet of the House of Commons. The charge against it is that it has clung to old procedural forms which no longer grip the matters they were designed to control.

Chapter 3

The Problems of Time and Complexity

In the last chapter we noticed how the vast increase in the scope of Government during this century has imposed strains on the Commons' financial procedure. We must now consider the effect it has also had on other aspects of the House's work.

First, and most obviously, it has led to an increase in the length of the parliamentary working year. This however is very much less than might have been expected. From 1900 to 1913 the parliamentary year averaged 142 sitting days. In the 1920s the average was about 130, and in the 1930s and up to 1938 the average was 139 – still less than it had been in the years before the First World War. From 1945 to 1950 the exceptional backlog of legislation necessary to make up for the war years led to an average sessional length of about 190 days; but since then the average has been around 160.

More significant has been the use of certain procedures to take some of the load off Parliament. The increase of delegated legislation is a clear example. Sir Cecil Carr has calculated that the number of rules and orders in the general class – that is those which affect the country as a whole – averaged about 210 in the twenty years before the First World War; in 1950, after the vast wartime increase had begun to level off, the number was 1,211.

Another major change in this century has been the great increase in the use of Standing Committees to undertake the committee stage of Bills, and in recent years, the growth of the Grand Committee to debate matters with which hitherto the House had had to concern itself. Standing Committees had first been set up as long ago as 1882, but it was in 1907 that the House first agreed to the principle that almost all Bills should automatically be sent to such committees, unless the House specifically directed

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otherwise. Since then there have been a number of changes designed to increase the number, and decrease the size, of these committees.

Fourthly, there has been the great increase in the direct contacts between Members and Government departments. The Financial Secretary to the Treasury, for instance, wrote 610 letters to M.P.s in 1938, in reply to matters which they had raised direct with him (rather than seeking the answer at Question time or in debate); in 1954 he wrote 3,349. (Nearly a third of these, he pointed out, related to topics for which Government had had no responsibility in 1938.)

This, like the two examples previously given, shows how the pressure of increased responsibilities has forced Members into new channels of activity away from the floor of the House. We must now consider what the effects have been on parliamentary activity in the Chamber itself.

There have been two chief effects. First, there has been a noticeable inclination for the House to concentrate more and more on general matters; to opt out of the attempt to control details of administration, and to stick instead to broad general debates. Secondly, there has grown up something of a tradition that vast areas of governmental administration should not be debated unless they are in trouble; the background to parliamentary debate is the stertorous breathing of countless sleeping dogs. These effects can now be indicated by an example or two.

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The House's preference for generalities, rather than detail, was shown in our earlier study of financial procedure; it was pointed out then how this preference was connected with the unsuitability of the House as a whole to debate detail. Another example we have just noticed: it is the way in which Parliament, faced with its increasing responsibilities in this century, has tended to legislate in more general terms, and has thankfully left more and more of the details of legislation to the Civil Service. Perhaps there is more of a national willingness nowadays to leave a very great deal of our law-making to the Executive; but the vast increase in the amount of such delegated legislation in this century has, from time to time, been the subject of public concern.

The concentration on large-scale matters, rather than on detail, is also clearly shown by Parliament's relationship with industries which were nationalized in the years after 1945. This offers as clear an example of current attitudes as one can hope to find; for with the nationalization of these industries Parliament had deliberately to think out what its role should be towards the new responsibilities that the state was taking on. It was decided to set up public corporations to run the industries, and that these corporations should not be directly responsible to Parliament in any way. Ministers were given by statute certain wide powers over the corporations; but it has become clear that Ministers exercise power far more widely than the statutes warrant. A resolute Minister can in fact very substantially control the management of the industry if he so wishes. Yet the formal position is that the Minister is only responsible for the use of his statutory powers. He cannot be attacked on the detailed performance of the industries; that, he will say in the House, is a matter for the Boards concerned.

The methods by which industries nationalized in earlier days became accountable to Parliament are in sharp contrast. On Post Office matters, for instance, the Postmaster General is wholly responsible to the House; he can be made to answer Questions in the House on such minutiae as the siting of every individual letter-box in the country, if need be. Yet the pattern chosen for post-war nationalization – laid down by one main party, and endorsed later by the other – was deliberately different. Its object was partly to give the industries a measure of freedom from detailed control but it was also chosen (according to Lord Morrison, who was the Minister principally responsible at the time of nationalization) because the added burden to be placed on an already overloaded Parliament would have probably proved excessive.

The result, it can be argued, was to give to Parliament the duty of overseeing a vast new world of Government activity, while denying it the detailed information with which to measure the performance of Ministers. The position has been improved considerably in recent years by the setting-up of the Select Committee on Nationalized Industries (to whose activities we will turn in a later chapter), which is able to get the information, and pass it on to Members. But the fact remains that, faced by a large extension of

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Government activity, Parliament overtly agreed to take only a general interest because the parliamentary timetable was already so full.

As another example of how Parliament has moved away from the particular to the general, it is interesting to see what has been happening to Question Hour over the last thirty years. Members of Parliament, who know well the significance of this procedure in keeping the Government on their toes, frequently complain at the decrease in the number of Questions which get answered every day. They blame the Speaker, they blame Ministers for giving long answers, they blame each other for asking long supplementary Questions. What they do not do, but what they would be better advised to do, is to blame themselves for the kind of Question which they now ask. They used to ask chiefly for facts and statistics; now they ask much more for statements of Government policy. They used to ask for factual information on the administration of the existing law; now they ask much more for new legislation to be introduced, in order to be able to canvass hardships for which Government is not responsible.

Furthermore, it would have been unthinkable thirty years ago for the Government of the day to have to answer questions on civil war in Laos, or the behaviour of Ethiopian troops in the Congo; out now, through our membership of the United Nations and other international commitments, Ministers are having to answer on international situations over which they have no control.

These kinds of Questions cannot possibly be answered satisfactorily except at length; they inevitably lead to an attenuated kind of debate, rather than to the cross-examination which Question Hour used to be. Here, as in the other cases cited above, we see Parliament interesting itself far more in policy than in administration. In this respect the most significant change in Question Hour in recent years has been its new dominance by the Prime Minister, who now consistently makes a greater public impact at Question Time than any other Minister. In July 1961 the Government agreed to requests made by the House that at 3.15 p.m. on Tuesdays and Thursdays Questions to the Prime Minister should take precedence over other Questions. Before this change was made the Prime Minister's Questions were frequently not reached; since then, he has had a regular platform from which to

give his views in short, bright, and easily digested answers on the main issues of the day. The matters on which he gives answers are matters of broad policy, because he is responsible for that rather than for the details of administration.

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The other major effect of the shortage of time upon parliamentary debate is that subjects on which the Government of the day may be blameworthy are being tacitly overlooked. The House feels that there cannot be enough time for the consideration of all problems; so a number of matters which are politically unexciting, or politically unwelcome to both the main parties, are tacitly ignored. The point was well put in a speech at St Andrews by Mr Grimond. He said:

'Our constituents are often gravely affected by events which may be of great significance to the nation but on which it is difficult to get any parliamentary grip at all. Take strikes for instance. They are hardly ever discussed in the House of Commons. Neither the Conservative nor Labour Party want to discuss them.'

If strikes are themselves seldom debated, *a fortiori* even less time is taken up in debating the state of affairs in major industries before they reach the point of crisis and failure which a strike represents. For fear of offending the employers on one hand and organized labour on the other, Parliament takes surprisingly little notice of the *malaises* in our industrial society.

But a much larger unconsidered field, and one in which Parliament's disinterest verges on abdication, is that of colonial affairs. In general, all the political parties are agreed on the need to bring the colonies as quickly as possible to the point at which they can be granted independence; and this basic agreement means that there is little political advantage to be gained from colonial debates. As the colonies themselves have no direct representation at Westminster, they cannot force attention on themselves. As a result each individual colony gets remarkably little parliamentary time devoted to its problems, until disorder breaks out there; then, of course, it is too late for parliamentary debate to be of much value.

Consider the case of Uganda in 1959-61, at that time a British Protectorate of nearly seven million people and fast approaching the independence which it has since gained. The session 1959-60 was one of the most important in the history of the relationship between Uganda and Britain. After sixty years of British overrule, independence was near at hand. It might have been expected that, as a result, the House of Commons would have shown considerable interest in the situation in Uganda; but in fact, during the whole year, there were one adjournment debate (lasting 30 minutes), 8 oral questions (perhaps taking 10 minutes), and 21 questions for written answer, on the subject. Since the adjournment debate and 16 of the 29 questions were initiated by the same one Member, it is difficult to sustain a picture of a vigilant House watching over this climax in Uganda's affairs. Nevertheless, the plans for independence went steadily forward, until something happened in Buganda.

Buganda is not only the largest and the richest of the kingdoms which comprise Uganda; it was also, with its passionate loyalty to its Kabaka, the most difficult to fit in with the British idea of the constitution of the new independent Uganda. For a number of reasons, then, the state of affairs in Buganda was of particular importance to us. But while plans for the independence of all Uganda went forward, the Baganda people became alarmed; and on 4 October 1960, with a grand and lordly gesture, they formally (but unilaterally) seceded from the British interest.

The British Government's reaction to this was to play things down, and in the light of what has since happened this policy is seen to have been justified. But what is interesting is to consider how Parliament reacted to a situation which, at the time, called Government policy in East Africa into doubt, and which also invoked the British responsibility towards several million people who were in our protection. We find that the House of Commons took no notice at all. There was no debate, no adjournment debate, no Government statement, not even a parliamentary question. Admittedly, Parliament was in recess at the moment of Buganda's secession and did not resume until nearly three weeks later. But still Parliament continued to show no interest, and the matter was not raised in the House. Indeed, for the whole of the session 1960-1, for the whole of Uganda, the sum total of the House's interest was

represented by 5 oral questions (taking up perhaps 4 minutes of parliamentary time), and 9 questions for written answer.

It may be that, by their silence, Members of Parliament in fact contributed to the eventual settlement of the problem; because the Government's views prevailed, and a satisfactory settlement was eventually made, with Buganda occupying a special position in independent Uganda. But even if this were so, it is unlikely that it appeared in that light to the Baganda. They, like other colonial peoples, had no direct representatives at Westminster. But, while the British were responsible for them, they had a right to expect that the British people (through their M.P.s) would take public notice of their problems.

The Buganda case was not typical of colonial affairs; to be fair to Members, one should say that generally each crisis that occurs in the colonies becomes for a while the subject of some debate; it may only be for a moment, but generally some notice is taken. But the awareness amongst colonial people that their affairs need to reach a crisis before they are discussed in the imperial parliament can hardly be reassuring. The lack of any machinery which would allow a continuing interest in them (and provide an available platform for them, should they ever need one) must be most disheartening.

Parliament's disinterest in this field is, as we have noted, particularly questionable, inasmuch as Britain is in a position of trust. It is also unwise on strictly practical grounds. In the twilight of colonialism, the United Nations are taking an increasing interest in the way in which the colonial powers are occupying their positions of trust, the attitudes of other countries are becoming increasingly critical, and Britain's reputation as a benevolent colonial power is becoming increasingly difficult to uphold. If it can be thought that the British Parliament has failed to perform its duty, as critic of the Government and protector of the colonies' interests, then the effect will be not only to question current attitudes, but also to throw retrospective doubt on the past.

Strikes and colonial affairs are two examples of the kind of matter which Parliament tries to keep off; in addition, Members of Parliament complain weekly of the number of topics which do not get their fair share of parliamentary attention. A sign of the times is the increase in the number of motions which Members put down

on the Order Paper for consideration on 'an early day'. The chance of actually getting them debated is hopelessly remote, but the numbers go on rising; they averaged 105 in the sessions between 1957 and 1960, and 165 in the last three sessions.

We have noted then that, as a result of the increasing demands on parliamentary time, Parliament has tended to concern itself more with general matters; and that at the same time it has voluntarily decided to abstain from too close an interest in various matters which certainly come within its remit. These are the facts of the situation today, and we must go on to study how Parliament's effectiveness has changed as a consequence of them.

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Our constitutional system is based on a balance between Parliament and Government; the Government acts, provided it has the support of Parliament; and the weaker Parliament is, the more Governments can get away with.

It is apparent that the changes that have resulted from the pressure on parliamentary time have all conspired to strengthen the hand of Government and weaken that of Parliament. Dealing first with Parliament's absorption in generalities, it is known that the Government's defeat on a broad debate on their policy would bring about their resignation (and possibly an election), and that critical backbenchers are less likely to disobey the party whip in consequence. This fact gives great self-confidence to the party leaders, who are the more ready to accept the challenge of a broad debate. If however the debate is limited to an issue which, at the most, trenches on the responsibility of a single Minister, the critics may not feel so inhibited, and may press home their attack. It is a paradox of politics in these big-battalion days that the Government can be wounded much more gravely on a detailed act of administration (such as the deportation of Chief Enaharo) than on a broad act of policy, however superficially questionable (such as the Commonwealth Immigrants Act). One lesson of the Profumo case was that the shortcomings of a single Minister caused far more trouble for the Government than did the failure (in the Common Market negotiations) of the major element in their policies.

There are in addition several other reasons, obvious or not

so obvious, for believing that the Government's hand has been strengthened by the increased demands on parliamentary time. It is clear that the power of Government has increased with the increase in law-making that has been delegated to the Executive, and with the power to manipulate the nationalized industries without having to answer appropriately for having done so.

The Executive, too, must have been greatly favoured by Parliament's lack of interest in certain areas of administration. We mentioned earlier the case of colonial affairs. It is instructive to notice how, in this field, the result of Parliament's neglect has been to give Government an unassailable advantage. Consider what happens when trouble breaks out in a colony. Parliament is forced to take a hurried interest, but Members do not know the full facts of the case. When they should be opening their attacks on the Government for having allowed matters to reach this point of crisis, they are instead forced to ask the Government to state the facts. When these facts are duly given they have to be accepted without question; so when the attack is eventually mounted (and it may require a second debate for this to be done satisfactorily) it has to be based on the Government's view of what took place. Criticism in such circumstances is bound to be hesitant, and the benefit of the doubt must always be given to the Man on the Spot – who is, of course, almost invariably a Government man. In any case, the House's interest in the matter comes too late to affect the issue in any way; martial law will have been declared, the troops will have been flown in, and perhaps the situation will already have been botched.

If Parliament is to be an effective taskmaster of Government, it must be well informed. It will then be able to take up the challenge of events straightaway, and will do so on a basis of agreed facts. No one who heard it is likely to forget how an Opposition attack on the handling of affairs in British Guiana was disastrously unmanned when one of their frontbenchers referred to the Colony as an island.

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It is fair to say that Parliament is well aware of the increasing demands upon its time (though not perhaps aware of its own

increasing ineffectiveness as a result). It constantly refers to the subject, and every now and then makes half-hearted efforts to do something about it. It does not however pay nearly enough attention to another aspect of the case. This is the fact that the subject-matter of Government in this century is not only far greater, it is also much more complicated.

Parliament's comparative silence on this might stem from the embarrassed realization that more and more of the activities of Government, and hence of itself, are so technical and complex that they are beyond the comprehension of most M.P.s. For instance the Government recently decided to build a nuclear-powered ship. This may or may not have been an excellent decision, but it is doubtful if Members were in a position to say. When it came to choosing the type of nuclear reactor to power the ship, the Government's decision was challenged by an engineer, who made excellent use of television and the press to put his ideas across. The Government answer to the criticism was left, quite properly, until the matter was raised in the House. But in the House it is doubtful if there is anyone who knows enough to question the grounds on which the Government took their decision. Members were aware that the decision was being loudly questioned outside, but they were not themselves equipped either to question it themselves, or to be satisfied by the answers they received.

Even if they were able to challenge the Minister's statements on occasions like this, it is doubtful if the result would be very satisfactory; because of course the Minister himself is not in a very different position. He can perhaps speak with a little more confidence, because he has been briefed by experts whom other experts trust; but once taken outside the ambit of what they have told him, he is likely to be as nearly at a loss as anyone else.

There is in truth something rather absurd about the House when it gets on to debating matters of extreme complexity in the scientific field. Each side in turn says what its experts have told it to say. There is, for example, no subject on which the House feels more strongly than nuclear tests; but when they debate the matter they do so, as it were, at second hand. The Prime Minister supports his view by explaining that it is also Dr Van Allan's; the Opposition point out that Sir Bernard Lovell thinks differently. When, on one occasion, Dr Van Allan had admitted that he had been wrong, the

Prime Minister quoted Professor Fred Hoyle to show how easy it is to be wrong in these matters. One was left with the impression that the discussion had been on the competence of the scientists, and not at all on the Government's responsibility for taking the stand they did.

It would of course be ludicrous to expect Members and Ministers to be capable of arguing out the scientific case; but there is, first, a strong argument that the electorate should see that there are far more men of scientific training in the House (as of course elsewhere in public life). If there were more, however, it is still unlikely that the House would try to decide scientific policy for itself; such matters are, of their nature, unsuitable for debate. What is needed is something different; what is needed is that the House should be so armed as to be able to satisfy itself that the Government, before coming to their decisions on these matters, had at least made a thorough enough study of the alternatives.

The House's responsibility in these matters is like that of a banker. In deciding whether or not to give financial support to enable a client to embark upon a new technical project, the banker cannot concern himself with the technical matter itself; all he can do is to make sure that his client has made his proposals after a very thorough examination of what they entail. It is then up to the client to convince him of the merits of the scheme, and of its advantages over the other possible ways of achieving the same ends. If convinced on those grounds, the banker can treat the application on a strictly financial basis, giving or withholding his help according to the return that may be expected from it.

The House, in other words, need not ask of the Government the reasons for choosing a particular answer to a particular scientific problem; but it does need to be convinced that the Government acted after a very thorough examination of the scheme and of the possible alternatives to it. In fulfilling this role, the House would be aided by having more scientists among its number; but what it principally needs is a new approach. It needs to be able to delegate to a few of its number the duty of meeting Government representatives and cross-examining them. If such a committee can be satisfied that the Government's decision has been taken after sufficient thought, then the House can be reassured; its endorsement of the

Government's action would be made very much more confidently than at present.

A good example of how the House of Commons could act in the world of technical decisions is given by how it did act in one recent case. Now that we are in the Beeching era, we tend to forget that it was only in 1955 that a railways modernization plan had been introduced, at an estimated cost of £1,240 million, to make the existing railway system profitable by 1970. Major capital expenditure by the nationalized industries must be approved by the Government before it can be entered upon. This approval was duly given; the Government spoke of it as a 'courageous and imaginative plan'.

Things did not however work out as planned. When in 1960 a Select Committee of the House tried to find out what had gone wrong, they concentrated some of their attention on one aspect of the plan – the modernization of the Euston–Manchester main line, which had been expected to cost £75 million at the outset, but which by then was expected to cost £160 million. The Committee were not of course by any means competent to decide on the technical problem of whether it had been wise to change over from steam trains to electric; but they were able to ask Government witnesses what the alternative cost would have been if diesel trains had been introduced on that line instead. The answer was shattering, because it showed that, at the time, the Government had not informed themselves of what this possible alternative would have cost.

This is not an altogether perfect example of incompetence because the initiative lay with the British Transport Commission, and it is certain that they would have taken their decision only after very careful thought. But the fault that was disclosed lay in the Government's failure to test the information given to them by their experts. The inference is that there may be the same lack of testing of much of the other information they receive from their scientific advisers. If the House is to act as any form of check on Government proposals in the technical field, it needs to establish some sort of machinery to test the thoroughness with which *the Government themselves* have tested their experts' advice.

We have noticed earlier how two Committees of the House already apply this sort of questioning to Government expenditure; but we argued that they could only cover a limited field, and that

one of them could not operate until after money had been wasted. We are now saying that other committees should exist to apply the same sort of investigation into Government decisions in all technical and scientific fields. It is not only because of the vast amount of money that might be being wasted in these fields (though, heaven knows, that is important enough to justify a new approach); it is also the sheer waste of effort, of brains, and of initiative that might also be being thrown away on insufficient premises.

Such a change would remove one of the major advantages that the Government have over the House; for one always assumes that the Government can afford the best experts, that accordingly their advice must be the best, and that it can safely be left unquestioned. But it would also remove, to some extent, a new and rather dubious parliamentary practice that has been growing up. This is the way that Ministers, more and more, are having to shelter behind their advisers. The Government of 1945-50 was castigated for the remark that 'the gentlemen in Whitehall know best'. Since then the Conservative Government themselves have to some extent taken up the same attitude. For instance, the Prime Minister, as we have seen, quotes his advisers; and the Parliamentary Secretary for Science says, 'My noble friend must take advice from his scientific advisers.' More recently, Mr Nigel Birch has called attention to the way in which Defence Ministers shelter behind the quoted opinions of serving officers; it is an intolerable practice, he says, and Parliament, by its supine inattention, has been tolerating it.



It appears then that the effect of the changes in parliamentary life in the last decades has been to strengthen the hand of Government over that of Parliament. We are bound now to consider how best Parliament can act to reverse this trend. If the shortage of time has aided Government, then we must first consider whether longer sittings each day, and more days in a session, would help. It is a subject that has frequently been canvassed, both inside and outside Parliament.

At present the House of Commons meets on Mondays to Thursdays at half past two and sits until about eleven or twelve at night (later – perhaps very much later – whenever necessary); on

Fridays the sittings begin at eleven in the morning and go on until half past four. In addition to this, Standing Committees meet for two and a half hours on most Tuesday, Wednesday, and Thursday mornings.

The proposal that the House should sit on weekday mornings obviously militates against the work of Standing Committees – which do much of the detailed work on legislation and which, on an average day, may entail the presence of some 150 to 200 Members. It is possible of course for Standing Committees to meet while the House is sitting (this often happens when a Committee get bogged down on a Bill and need to meet more frequently than is usual), but it would be absurd to consider holding substantive meetings of the House when perhaps a third or a quarter of its Members are engaged on the House's business elsewhere in the building.

To counter this, it has been suggested that the House could undertake a certain amount of less important work in the mornings without trenching on the work of Standing Committees. There could be debates on delegated legislation, there could be debates on private bills, there could even be Question Hour. But there is an objection to an idea of this kind. As soon as Parliament acknowledges that some of the work it does is of secondary importance, then it will find only a limited number of its Members prepared to take a part in it. The quality and usefulness of such work will quickly be called in doubt.

There is, however, real merit in the other plan that is sometimes put forward, that on one day a week the House should adjourn after Question Hour in order that Committees should be able to sit for the rest of the day. By this means, Standing Committees, which at present get through five hours work in two mornings, would be able to sit for six or seven hours at a stretch. More Standing Committees could be set up at a given time, because the whole of the House would be available to serve on them (instead of, as at present, only those whose businesses, or professions, or good works do not prevent them from attending in the mornings); and this would remove the complaint, for which one can feel some sympathy, of those 'professional' M.P.s on whom at present the bulk of committee work falls.

As recently as 1947 the House revived an earlier Standing Order

which would allow it from time to time to adjourn in order to facilitate the business of Standing Committees; the Order has, however, never been used. If the House felt it was arguable in 1947 that Committees might get through more useful work in a day than the House could, the case seems even stronger today for the reasons we have suggested.

It is also often argued that, if Parliament has a problem of time, there is an easy remedy: it should take shorter holidays. The experience of 1906-10 and 1945-50 shows that this is a practical solution; but there are strong arguments against it. If Members spend too much time at Westminster they get less objective in their decisions; and while their parliamentary tasks grow broader in scope each year, so too should their experience at the grass-roots of affairs. Furthermore, while the cause of the trouble has been the increase in Governmental activity, it is logical to point out that Ministers need more – not less – time free from attendance on the House to carry out their departmental work and planning. In any case a longer sitting year would not help Parliament to understand better the complex problems it faces; indeed, it might even aggravate its inadequacy.

All argument for and against longer working hours and longer sessions for Members is however academic. The truth is that Members, continually faced with the problem of time, and Ministers, continually crying out the need for more legislation, have nevertheless combined to resist any material change in their working year. Throughout the fifties there has been no significant change in the length of the session; for whatever individual reasons appeal to them, Members have settled down to a 160-day session, and an 8-9 hour day; and it is unlikely that any argument, however plausible, will move them. If change comes, it will come because the Government of the day need it, and not because of the principle involved.

In any case, an increase in working hours is unlikely to go to the heart of the problem. To sit for a fortnight longer in the summer would not materially improve things; it might only mean that a tired and fractious Parliament wasted more time than at present. It would not, in itself, improve parliamentary control over the Government; for all past experience is that the Government would appropriate most of the increased time for their own purposes.

What is needed is not that Parliament should work longer, but that it should work better.

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Thus we must look elsewhere for a remedy for the ills caused by the increase in parliamentary business. When we come in later chapters to consider such a remedy, we will have to bear in mind the diagnosis made in this chapter. We will have to remember how in this century the increased demands on Parliament's time, and on its comprehension, have helped to increase the dominance of the Government; and we will have to consider how this can in future be held in check, and thereby allow Parliament to resume effectively its role as the people's defender against Government.

We have noticed how Parliament has concerned itself, more and more, with a general supervision of affairs without devising new machinery to ensure that the details of policy and administration are not forgotten. But if general debates are to be wholly effective, they must take place on a basis of established fact. Parliament must know the detailed facts before it can safely come to general conclusions; Government policy should only be approved when the full facts on which it is based are known.

We have seen that some important areas of national affairs are at present, to a considerable extent, ignored by Parliament until a moment of crisis, when hasty decisions might be called for. It has been argued that no area of governmental activity should be overlooked in this way, and that there should be new machinery for a continuing watch in these fields. Perhaps such machinery will not be able to avert the troubles ahead; but at least Parliament would be alerted in good time, and the facts of the situation should be beyond dispute when the sudden decision is necessary.

There is also the fact of the acute complexity of much of today's parliamentary business. In an ideal world the Commons would contain many more scientists and technicians than it does at present. Until it does so it ought to be able to rely on a handful of its Members to establish, from Government witnesses, the extent to which the Government themselves have tested the proposals made to them by their experts. Then, when giving or withholding its assent to what the Government ask for, Parliament would not

need to take the experts' proposals on trust – as now, to a considerable extent, it does.

The logic of these observations is that there should be, beneath Parliament's grand function of debating Government policies, a considerable stratum of parliamentary activity designed to establish the facts and question the thoroughness with which those policies have been thought out.

The Life and Soul of the Party

When one considers the changes that have come over the face of Parliament in the last hundred years, there is no doubt that one of the greatest – and the one that has caught the most public attention in recent years – has been the emergence of strong, well-organized political parties.

There is little need to describe their growth. Politics is concerned with power, and when, with the greatly widened franchise in the nineteenth century, the political leaders were less able to control the electorate, it is not surprising that they took steps to woo the voters with the simple promises of a party manifesto. They also put forward candidates to whom the offer of a well-organized constituency machine must have been extremely attractive. At the end of the eighteenth century Burke had drawn a picture of a Member of Parliament's dilemma in choosing between what his constituency wanted him to do and what, in his conscience, he thought best for his country. In the twentieth century there is a third factor to consider. The Member today is being driven by a troika of influences; besides what his constituency wants and what his conscience dictates, he has also to bear in mind what his party requires of him.

Although there has for many years been an appreciable third party in existence – whether the Irish, the young Labour Party, or the Liberals – the British electorate has never on the whole taken kindly to the blandishments of small parties, and has clung to a voting system which has led to a straight choice between two alternative parties. Perhaps there is something in the British character that likes a straight contest between two teams; for whatever reason, the two-party system seems today as British as the Boat Race. The two main parties have grown in strength if not in manoeuvrability. As a result it sometimes seems as if, to adapt a phrase

of Mr P. G. Wodehouse, party now booms to party like mastodons across a primeval swamp.

With the voters predisposed to choose between two parties, the energies of the rival leaders are largely employed in marketing an 'image', a 'feel', of their respective sides. They need no longer go into detail about the policies they favour. It is a strange reflection that well over a hundred years ago political leaders were prepared to consult the electorate on its views on free trade or protection; today, after seventy or eighty years of a national education system, and with educational media such as newspapers and broadcasting in every home, the voter need only be asked to choose between two images, or perhaps two party leaders, or – at the most – two general programmes making similar broad promises.

It follows that the individual merits of the candidates who offer themselves for election count for little nowadays. It may be going a bit far to say, as a voter did at a recent General Election, 'I would vote for a pig if the Party asked me to'; but certainly it is loyalty to a political party and its leaders which accounts for the way most people vote today. The successful candidate, once he gets to Westminster, is very much aware that it has not been his unaided personal merit which has landed him there; and this realization colours much of what he does and says.

On the merest recital of these basic facts, it is clear that the growth of parties has vastly affected Parliament. To judge from what some critics say, you would think that Parliament is now nothing but a creature of these parties. You would expect to find there, at the least, a clear recognition of the part these parties play.

But in fact there is no such acknowledgement made. Instead, something like a conspiracy of silence exists on the subject. *Erskine May*, Parliament's bible of procedure, devotes only four pages (out of eleven hundred) to the parties, and up until 1950 devoted none. The *Manual of Procedure*, the official book which sets out for Members the practices of the House of Commons, makes no reference to the subject at all. Parliament has never passed any specific legislation on the matter. In *Standing Orders*, most of which date from the second half of the nineteenth century, there is an even more curious reticence. Some Committees (since they are designed to act as the House in miniature) need to be represented by Members from the different parties in the same proportions

as exist in the House. But in the relevant Order the House could not apparently bring itself to mention the actual word 'party'. Instead it took refuge in circumlocution: in nominating these committees, it said, regard should be had to 'the composition of the House'.

So we have the curious situation that in a period when political parties have reached what may be a dominating position in Parliament, Parliament has continued to refuse to take official notice of them. Instead it has imposed something of a ban on the subject, a taboo even, a ritual refusal to mention a distasteful subject. Most of the procedure of the House is based on the division of Members into Government and Opposition sides of the House, but it has never acknowledged that those two sides are composed of (and to some extent controlled by) political parties. There is a paradox here to which we must return later in this chapter.

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In almost every public exchange of views on the shortcomings of our parliamentary system, criticism is heard of the adverse effects which party loyalties have had on Parliament. The major criticisms can be considered under several heads. Before considering how far they should be qualified, we set them out here and support them with illustrations from recent history. They comprise a formidable case. So important a commentator as Mr R. H. S. Crossman has noted how political parties have transformed the system of government described a century ago by Bagehot in *The English Constitution*. Mr Crossman considers some of the arguments which we are now going to cite, and concludes by quoting, with approval, the words of M. Duverger: 'Executive and legislature, Government and Parliament, are constitutional façades: in reality the Party alone exercises power.'

The growth of parties has, it is argued, had three major adverse effects on Parliament: debate has been rendered futile, government is no longer open, and the quality of Members has been forced to decline. We must consider these in turn.

Debate is rendered futile

The theory of a debate is that Members should listen to the speeches for and against a motion, and then vote according to the

balance of reasoned argument; the division, in other words, should give some picture of the effectiveness of the rival arguments. So long as there are a few uncommitted minds in the audience, it is worthwhile making speeches that are as effective and as persuasive as possible.

But nowadays the voting strengths in the House of Commons are pre-ordained; everyone knows before almost every debate what the outcome is going to be. If the Whips were in mid-season form, they could tell you before an important debate exactly what the vote will be at the end of it. The debate – the arguments and the speeches – has no effect on the voting; it could, some would say, equally well be omitted (and, under all Governments' ready recourse to guillotines for contentious Bills, sometimes now is in part dispensed with).

Speeches in the House are accordingly no longer directed at people who would be inclined to disagree with them. Apart from the few eccentrics who still revel in a clash of ideas, Members now make speeches to their fellow party-members, in the hope that they will be noted down for promotion or reward in the future; and, all the time, they speak to the newspapers. This of course has always been a part of the demagogic process,¹ but now that there is no chance of influencing votes in the House, it is particularly so. Members feel that they might just as well direct their speeches to the electorate in the hope of picking up a few more votes there.

This accounts for the envy Members sometimes exhibit towards those of their number who command big audiences in the press or on television. It may furthermore be the real reason for the interesting proposal, recently put forward by some Members, that the proceedings of the House should be televised. The suggestion has so far been turned down for a number of reasons (and we return to the subject later), but it was probably the desire to get at an impressionable audience – rather than at a House whose votes are all prescribed – that prompted it. Lord Campion pointed out many years ago how significant it was that in Australia and New

1. For example, when in the eighteenth century John Wilkes – *Wilkes and Liberty* – was advised by those near him in the House to give up trying to make his speech, so noisy was the opposition it was evoking, 'Speak it I must,' he answered, 'for it has been printed in the newspapers this half-hour.'

Zealand, where party effectively dominates Parliament, they have taken the logical step of broadcasting their debates; there, in other words, speeches are literally directed to the voters in the next election, and no longer primarily to the other Members of the House.

So it is argued that one result of the increasing strength of political parties has been to make parliamentary debate, to a large extent, futile, and to turn the parliamentary speech, which used to be a weapon by which a man could influence events, into a device in the field of public relations.

Government is no longer open

To go back to first principles; the great merit of the parliamentary system is that, under it, government is open. We know what the Government propose to do to us and for us. We know the arguments that are advanced for and against the proposal. We know that, if the proposal is to be implemented, at least a majority of the people's representatives must favour it. We know, in particular, whether or not our own representative favoured the idea, because we know how he voted.

This is a basic virtue of our system which, for all its faults, can lead to government that is, to a great extent open and above board. It is the prime reason why we prefer a democratic system to others, and why we are so keen to foster a system similar to our own in the countries which are, or used to be, our colonies; with this legacy, we believe, they will be saved from some of the injustices and humiliations we have suffered in our history – from government by dictation, by whim, or by intrigue.

But how truly open is our government today? With the parties as strong in Parliament as they are, the answer might be 'not very much'. When a new Government policy is in the making today, its first discussion in the Houses of Parliament is likely to be by party committees, and then by the party itself. Discussions of this kind, of course, are very far from being public. Behind locked doors, Members on the Government side of the House may express their disagreement with the new policy, but may then be outvoted. Appeals to party unity (and also the fact that the constituency party may want their Member to support the Government, right or wrong) lead these Members to acquiesce in the wishes of the

majority of their colleagues, and subsequently to vote for the Government in the House. The Numbers Game is played, and the next day we read in our newspapers that the motion was duly carried. If however the reservations of the doubting Members had been reflected in the voting, it is conceivable that those votes, lost to the Government but added to the Opposition, would have defeated the proposal.

Today, it seems, the true views of all our representatives in Parliament are not being expressed in their votes in the House; they are being reserved for the party meeting, the private telephone call to the Whips, and the private conversation over a drink in the Smoking Room. The man you elected as your Member, Mr X, voted to retain, or to abolish, the death penalty. But how do you know what pressures he came under? How do you know what he really thought?

If debates were being directed, not to the merits of the particular motion, but to the general garnering of votes at the next Election; if voting did not always reflect a Member's true opinion; if Government policies were being sustained despite the disapproval of a majority of the House – then it is clear that parliamentary government would no longer be as open as is desirable.

Have we yet reached this stage? Has the situation become a danger to our liberties? To find the answer, there is a test we can apply. The test is offered by an examination of the achievements of various pressure groups in recent times. For it goes without saying that, if a comparatively small group of interested individuals is able to sway Parliament into taking action in its favour and against the best interests of the people as a whole, then our system of government has become warped.

Pressure groups have come under a certain amount of criticism in recent times; but there is, in essence, nothing necessarily sinister about them. (Readers of Sir John Neale's history of the Elizabethan parliaments will remember that the Puritans organized a lobby in 1584–5 on lines similar to those organized by other interests today.) So long as their energies (and money) are spent on the education of Members, they represent a genuine offshoot of the democratic system. It is only when they manage to achieve their ends against the better judgement of a majority of the House that we need to look to our lifebelts. And they can only hope to

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achieve such success in conditions where government is no longer open.

Can pressure groups hope to achieve success on this scale under today's circumstances, when parties so effectively control the votes of the Members? There have been a number of studies made of the success or otherwise of pressure groups in recent times. One of the most startling of these is an examination of how the Television Act became law. There is much in this story which remains conjectural, and those who are interested in it should read the book,¹ and the debate in the House of Lords on the book, to see if they are convinced by it. It claims to show that commercial television was introduced into this country as a result of a brilliantly organized *coup* by a few interested people. These men were able to gain the support of a group of Conservative Members, who in turn forced the Government to act, who in turn demanded the loyalty of all Government supporters, which in turn led to the passing (under a guillotine) of the Bill. This happened, it is said, even though a majority of the Government supporters (not to mention the Opposition) was, in one way or another, opposed to the principle of the Bill.

Some reservations must be made in this example. It could be that, when dealing with an issue as comparatively novel as television then was, many Members were sincerely converted to a different point of view after they had studied the matter more closely. But to some extent the individual case is unimportant. What is important is that, when government is not open, manoeuvres of this kind become practical politics. What is important is that this example *could* be true.

The quality of Members

As party discipline becomes stronger, there is a growing danger of a consequent deterioration in the quality of membership of the House of Commons. In the first place it becomes harder and harder for a good man to get into Parliament on his merits. Secondly, if he gets there, he will come under an unremitting pressure which must in the end derogate from the good qualities that we assume him to have.

1. *Pressure Group*, by H. H. Wilson, published by Secker and Warburg. House of Lords *Hansard* for 9 May 1962.

Thus, if the constituency group that is selecting a new candidate is anxious that their chosen man will give no trouble to the party, they are clearly not going to opt for a man who consults his conscience on every issue. Their instinct will be to go for the man who will cause them no trouble, the good party man, and this will inevitably increase in the Commons the ranks of the faceless men.

There is a real danger that the constituency party of today will go even further to rid the House of any independence of thought; if they notice that their sitting Member is beginning to consult his conscience to an inconvenient extent, they might disown him and adopt a new candidate for the next election. They will thereby make life quieter for themselves, but they might at the same time deprive their country of an outstanding ability. Suppose that Sir Winston Churchill (a very troublesome member, with an unreliable past) had been treated by his constituency in the thirties as Mr Nigel Nicolson was treated by his in the fifties. When the war came, Churchill would not have been in Parliament. His constituency would have been saved the embarrassment of knowing that he had been right after all. And a world war would have lasted – who knows? – several months longer.

While the quality of parliamentary candidates is likely to diminish under conditions of strong party discipline, it is also sometimes argued that the integrity of Members is likely to decline with their years in Parliament. This is a view which is rather difficult to substantiate; but on the surface it would not seem unlikely that, if a man has to spend a number of years recording his agreement to policies which he may not support, he will be less quick to take a stand on a point of principle when one is called for.

Criticism of this kind has been rife in recent years. To be fair, however, it overlooks the increasing tendency of Members to contribute to debate, which demonstrates the vitality of the present membership of the Commons. It is a pressure which has been building up during the present century and has been noted by well-qualified observers. Giving evidence before the Procedure Committee of 1930–1, Mr Speaker FitzRoy said that he had been in the House since 1900, that many more Members now took part in debates, and that the House was consequently a more convincing debating chamber. Before the Procedure Committee of 1958–9, a former leader of the House, Mr Chuter Ede, said: 'We are well

away from the days before the Reform Act of 1832 when there would be about a dozen gladiators and 500 or 600 fox-hunting squires there just to enjoy the sport. Most of them are now either the fox or the hounds.'

Vitality is of course not synonymous with quality, and it is the quality of Members which has lately come under attack. It is, however, always difficult to assess quality in the membership of any society or institution; and the critics of the House's membership have not produced much positive evidence of any decline. On the other hand, Lord Winterton, whose parliamentary perspective was longer than most and who, remembering the brilliant collection of parliamentarians before the First World War, might have been expected to take a gloomy view of the modern scene, offered this comparison in his autobiography:

... there is in my judgement no deterioration over the last fifty years in the quality of the House of Commons. Universal suffrage, payment of Members, and the consequent election of hundreds of men and women of humble origin have not affected its real character. It contains, as it has always done, persons of the highest character and attainments, and others who belong to a different and lower category. Great orators as well as good and bad speakers are included in its membership in roughly the same proportion as they were fifty years ago; the admission of women to membership has not altered the proportion.

By another standard of comparison, anyone who has watched British Members speaking at international conferences or in the United Nations Assembly would agree that they have nothing to fear from comparison with their opposite numbers in other countries.

At the same time, it is true that the House now lacks the great buccaneers of its past – the Churchills, Birkenhead, Bevan – the big personalities who did not sit easily within a party; and in a way this is sad. But perhaps this is a facet of our age; we live in the day of the manager and the technologist, and the absence of big personalities is not confined to the world of politics.

Although we do not believe that a charge of deterioration in the quality of membership can be sustained, it is right that we should be especially concerned about it, and be on the alert against anything which tends to blunt Members' independence. Later in this book we suggest how the parties could reassure public opinion,

which is disturbed in this regard. There is every need to be on the alert. For in recent years, all over the world, again and again we have read of the downfall of Parliaments, and the resultant curtailing of the people's liberties. In Sudan, Pakistan, Turkey, Korea, France, Nepal, and many other countries – the list seems endless – Parliaments have been abolished or their functions reduced.

In every case, one of the main reasons has been the inferior quality of, and the lack of moral courage shown by, legislatures that were full of 'good party men'.

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It is undeniable that the development of party organizations, especially in this century, has made a considerable change in the functioning of Parliament. The effects of the development, even in the qualified manner in which we have presented them above, have clearly not been altogether beneficial. Even if these effects could be proved to be harmless, they would not gainsay the popular belief that Parliament has been damaged by the discipline imposed by party on individual Members; and they remain the principle reason why the man in the street believes that something is wrong with Parliament.

Criticism of this kind, when it derogates from the authority of Parliament, derogates also from that of individual Members. Yet – and we return now to the paradox noted in the opening paragraphs of this chapter – Members do not themselves apparently share in the general concern on this subject. Their disinterest (reflected, it was noted earlier, in the disengaged view of party expressed in *Erskine May* and *Standing Orders*) can be manifested in other ways. For instance, in an all-day debate by the House on its own shortcomings a few months ago, only two members even mentioned the question of party discipline, and their combined utterances on the subject took only two minutes. Again, there exist in the Palace of Westminster inter-party societies for an untold number of purposes, some *recherché*, some forlorn; yet, so far as is known, there is no society for the curbing of political parties.

This is the more surprising in that it is Members, above all, who are most damaged by the demands of their parties. There is considerable public concern when every now and then a Member is

forced to resign, or to adopt a certain attitude to a national problem, by pressure from his constituency party. *Erskine May* says that conduct tending to impair a Member's independence in the performance of his duty is a breach of the privileges of Parliament. Yet even when forced into the last ditch Members have not sought the support of the House as a whole in their struggle, against their constituency party, to retain their freedom of expression. Presumably they have thought the House would not support them.

Why is it that Members do not seem to agree with people outside Westminster that there is at least a potential threat to Parliament in the activities of their parties? It cannot be that they are unaware of the strength of feeling on this matter; part of their profession is, after all, the assessment of public attitudes to the affairs of the day. Nor can one accept the cynic's view that self-interest silences them from criticizing the party to which they owe their seat, for one of the most fascinating of the attributes of the House is that there is always in it a number of men who have achieved (or given up hope of achieving) all their ambitions, who are perhaps in their last parliament, and who are delighted to say what they like on any matter which moves them. Any effort of their party to silence them is only likely to provoke them further. Self-interest no longer touches them, and if they were to feel like criticizing the party system, that is what they would do.

But even these Members do not do so. Why should this be? Why should even such Members facilely accept a view of party which is directly opposite to that of informed commentators and critics outside the House? This is the question we must now try to answer.

In the first place, Members are able, more easily than the theoreticians, to appreciate the practical benefits of the system of Whipping. In the press of parliamentary life, some such system is necessary, if only to inform Members of the many issues on which they are asked to pronounce. Even Mr Nigel Nicolson, a victim of the system if ever there was one, has pointed out that for 95 per cent of the time a Member of independent mind is glad to follow the lead given by the leaders of his party, because he shares their general outlook and trusts them not to depart from it in the details of policy for which they are responsible.

The purpose of Whipping – to keep the Government in power –

is the same as it always has been. The critics who protest at the increase in the proportion of 'whipped' divisions frequently do so on the wrong grounds. This increase stems, not from an increased submissiveness on the part of Members, but from the fact that Government business takes up a much greater share of Parliament's time now than at the turn of the century. As a result, in each session there are many more occasions when Government policies are presented for the vote of the House. Members will vote on these occasions, as Members have always done in this century, in order to sustain the party in power or to try to defeat it. The attitude of Members today is wholly consistent with that of their predecessors; but they have to take up that attitude more often because, in the present century, the Government's programme has grown so much in scope.

Again, Members are aware, as the general public is not, that the impact of party is modified all the time by the very nature of parliamentary life itself. This is a factor which is difficult to evaluate, but it must certainly never be underrated. All the time that the parties are trying to divide Members into two or more blocs, the House and the service of the House are tending to unite them. Members work together in Committees of the House, and find that there is a real will to come to agreed solutions on subjects on which, in public on the floor of the House, they would dispute. Members go away together on delegations, and frequently embarrass their Whips on their return by issuing agreed views. The older Members worked together in the wartime coalition, and can respect each other as working partners. All the amenities of the House are shared irrespective of party; in a recent debate, Mrs Castle observed how Members of all parties had been unanimous in their views of how these amenities should be improved.

Above all, there is the matter of pairing. This is a practice by which a Member arranges with a Member of the other party that they should both absent themselves from the House for a given period; if there is a division during that time, each is absent, each side's vote is down by one, and the Government's theoretical majority should not have been affected. Because of the long hours the House sits, and because Members have a lot of important concurrent calls on their time (as for instance, the call of their constituencies) pairing is the only device yet invented that makes

life in the Commons bearable, and almost all Members partake of it if they can.

Pairs, like love affairs, are of two kinds; there is either the casual pick-up in the lobby, or else there is the regular, systematic union of hearts which alone can ensure a booked sleeper to Scotland on Thursday evenings. But whatever kind of pair a Member employs, it means that at any given time there is a large proportion of the House which is conspiring together to break clear from the demands of the House – demands which, to all of them, have become personalized in their Whips. This conspiracy, this practical sympathy for each other's hardship, is a very potent factor in developing a corporate House of Commons feeling, which can and does act in opposition to the loyalty that the party demands. Members are reminded that they are Members of Parliament, rather than Conservatives or Socialists, and won't be pushed around too far.

But the major reason why Members tolerate the activities of their parties in the House stems from a different source. It stems from the belief that, through their parties, they are able to achieve more in furthering their own ideas – or those of their constituents than would otherwise be possible. To understand why this should be so, we must consider how, at present, the influence of party makes itself felt within the precincts of Parliament.

Backbench members of both major parties come together during Sessions to hold discussions or to meet their leader, the Conservatives through the '1922 Committee' and the Labour members through their Parliamentary Party meetings. In addition, both these parties, whether in Government or Opposition, have set up committees on a number of administrative subjects. These committees consist of backbench members of their parliamentary party; their chairman is either a respected 'elder statesman' of the party or else a potential Minister, and they are usually helped by an official from the party headquarters. In *Government and Parliament*, Lord Morrison described the committee system of the Labour Party in some detail. Subject Groups are appointed on a wide range of subjects including Commonwealth and Colonies, Defence and Services, Education, Finance and Economic, Foreign Affairs, Health and Social Insurance, Legal and Judicial, and Local Government. Each group might set up one or more committees; the Finance and Economic Group for instance has four – Finance,

Labour, Trade, and Industry and Textiles. The system of Conservative Committees also covers broadly the whole field of government.

These Committees exercise a strong influence upon Ministers. A former Conservative Member of Parliament, Mr Richard Body, in describing the working of these committees has said:

No matter which party is in power, if one of its committees at a representative meeting disapproves of a certain measure or wishes something done that the Government has failed to do hitherto, then there is either a change of heart by the Government or a first-class row culminating in one or two resignations. . . . There lies the influence of the party Committee.

It is doubtless to prevent such a row developing that, in some committees, the Minister's Parliamentary Private Secretary acts as secretary, and a Whip is always in attendance in order to keep the Chief Whip informed of what the Committee decides.

A prudent Minister will go to considerable trouble to keep sweet his relations with the committee which touches his province. In his autobiography, the late Hugh Dalton tells how the finance committee of the Labour Party worked when he was Chancellor of the Exchequer. Through the party Whips he was able to get a first-class group of backbenchers 'practically picked by myself'. At the meetings, 'I consulted them about policy, putting various alternatives before them - for tax changes for example - and inviting their preferences, though without committing myself or the Government.' The result was that 'There was never any organized criticism, but much helpful exchange of ideas, and in debates Members could speak up effectively and with knowledge.' Dalton draws a fascinating contrast between this committee and the backbench committee on foreign affairs. Ernest Bevin is said to have taken no interest in the composition of that committee, and it accordingly contained 'pacifists and fellow-travellers, pro-Russian and anti-American and every sort of freak harboured in our majority'. Dalton says that it constantly infuriated Bevin by drafting tendentious resolutions and preparing argumentative papers.

More recently one of the Conservative backbench committees has been given a degree of publicity that is no doubt a fair reflection of its importance. After President Kennedy and Mr Macmillan had

agreed in the Bahamas (in December 1962) that the missile Skybolt should be scrapped and that the Polaris missile should be supplied to Britain subject to several conditions, the question was raised in many quarters whether and to what extent the agreement left Britain with an independent nuclear deterrent. An official assurance was then given that the deterrent capacity of the V-bomber would be strengthened in the period before the Polaris could be brought into operation. Significantly, this assurance was given not to Parliament (which was in recess), nor to the Opposition, nor to the general public by some formal announcement, but to the Chairman and members of the Conservative backbench Defence Committee who were expressing to the Minister of Defence Conservative disquiet about the agreement.

It seems likely that the party leaders, in fostering these new Committees and making them responsible to the main backbench organ (the Parliamentary Labour Party, or the 1922 Committee), thought that they could do no harm. But, once established, they grew in strength and self-confidence, and in due course began forcing the Government (or Official Opposition) to change its tune from time to time – sometimes, without needing to carry the main party committee with them (over Skybolt, it was the Defence Committee, not the 1922 Committee, who had to be placated). When this started to happen, Members with criticisms of official policy naturally realized that their best chance of changing the policy lay in persuading their colleagues in the party committee on that subject to stage a revolt. Thus it has come about that the traditional function of Members – that of employing their energies so as to force the Government (or the alternative Government) to take account of their, or their constituents', viewpoint – is being carried out, to a considerable extent, not in public, not in the House, not even in the 1922 Committee or the Parliamentary Labour Party, but in the smaller party committees.

This, it should be noted, is very largely a post-war development. It is an aspect of the party system which, since it satisfies Members while the public know little about it, needs the most careful scrutiny.

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From this reference to the operations of party committees, a

number of points are made clearer. If parties, in their origin, were considered disreputable (and for that reason were not mentioned in the early *Standing Orders*) they have become, through the effectiveness of their committee systems, the means by which the individual Member is able to influence, and to some extent control, the acts and policies of his political leaders. It is not surprising that M.P.s seldom complain about the existence and power of political parties, because it is through the party (more precisely, through the party committees) that they are able to *move* the Government, or the Official Opposition. If the party seems to us to be an institutionalized rubber-stamp, it seems to them an efficient and unobtrusive machine for bringing their constituents' views to bear on Government or Official Opposition policy, so that, far from the party loyalties blinding them from their duties towards their constituencies, the development of the party committee system has enabled them to carry out this traditional function much more effectively.

But the fact that Members believe in the efficiency of their party committees does not in itself justify the existence of these committees. The role of the committees may not be widely understood; even if it were, it would not necessarily prove to be beyond criticism. To understand all is not, in this case, to pardon all.

While Members may be confident that, in their secret committees, they are doing the job which Parliament exists to do, the public is not wholly convinced. Because the very proper influence of Members is being brought to bear in secret, and before Parliament debates the matter, Parliament itself is losing the respect of the public. We do not see our Members acting on our behalf, and consequently we are losing our trust in them. The image of a beneficent Parliament restraining the Government on our behalf is beginning to fade. Because we do not know how vigilant our Members are proving to be we are not surprised when a newspaper campaign tells us that the quality of Member is lower than it used to be. We lack the evidence to keep faith in them. Because so much of the effective work of Parliament is being hidden from us, we do not instantly disbelieve the notion that pressure groups are using the supreme power of Parliament for selfish ends. The gravamen of our first charge against the parties is this: when we *want* to believe in Parliament, the supporting evidence is being hidden from us.

Again, if we acknowledge that party committees are effective instruments for fulfilling the basic duties of Members, it does not follow that the development and extension of these committees since 1945 has been beneficial to Parliament. For the merits of party committees, it seems to us, are the merits of committees *per se*. If there is a weakness in a Minister's proposals, it can be exposed as a result of the study of the proposals by any intelligent group of Members who have access to the true facts – whatever their political affiliations.

Furthermore, as a result of using party committees as their main means of influencing policies, Members are denying themselves a whole dimension of effectiveness. Parliamentary committees – as opposed to party committees – have at their disposal many of the powers of Parliament itself. They can insist on the presence before them of the witnesses who would be most helpful in their inquiries. They can call for the evidence which they need in order to come to a balanced conclusion. In all their activities they can, if necessary, call on the mighty powers of Parliament to get such information as they need, and to punish anyone so rash as to try and withhold necessary information or present it untruthfully. While party committees must rely on the cooperation of those who help them, and on the goodwill of the Ministers or shadow-ministers towards them, parliamentary committees have teeth and can bite. Our second charge against the parties is that they have chosen to harness the proper energies of their Members in a way which denies them the formidable powers which could and should be available to them.

But the third, and perhaps the gravest, charge against the parties is that by devising new machinery to convey the backbenchers' views to the front benches, they have made it very much harder for a 'House' view to emerge from debates. As we noted earlier, the ethos of the House of Commons encourages Members, of whatever political persuasion, to cooperate with each other; as a result, the strength and glory of the House has, in past centuries, been its corporate spirit – 'the best club in Europe'. In 1945, however, it seems that the House of Commons took a wrong turning. A great number of new Members had come into the House, anxious to find a proper outlet for their energies, and anxious to represent their constituents effectively. As we have seen, their party leaders – to whom they turned for advice – encouraged them to set up party committees.

If instead the party leaders had agreed to set up more *parliamentary* committees, Members would have used their energies and abilities in bringing a parliamentary view to bear on the Government. In so doing, they might have found that they could represent their constituencies even more effectively.

It is easy to speak wisely now that the damage has been done, and one cannot really blame the House for its failure at that time to see into the future. The reputation of Parliament was so high in 1945 that there could have seemed to be no need for introducing new office machinery. Furthermore the Labour Party had attained an overall majority for the first time, and was faced with a great backlog of legislation in addition to a sweeping new legislative programme of its own; it cannot be blamed for not fostering changes that would have made its task more difficult.

But the outcome of the post-war re-orientation of Members' activities has been that they now do much of their job of representation within their party committees. There is no longer the chance for a cross-bench, and thus national, answer to the Government's proposals. The striving for truth on either side of the House is mopped up in the rival party committees: if at any time the nation may cry out for a national view to prevail at Westminster, the most that can now be expected is that a compromise view on the Government side of the House will duly prevail over a compromise view on the other.

Chapter 5

Committees to Advise and Recommend

From the preceding chapters, it has emerged that the failure of the House of Commons to control Government expenditure stems to a large extent from the House's continued use of procedures which have become outdated. The inadequacy of the Committee of Supply for this purpose was contrasted with the efficiency of small select committees – the Public Accounts Committee or the Estimates Committee; and it was suggested that the remedy lay in a more extensive use of such small investigatory committees, rather than of the clumsy committee of the whole House.

We have noted, too, how the overloading of the parliamentary programme has interfered with the effectiveness of Parliament; the obvious inference is that Parliament should devolve some of its responsibilities to subordinate bodies who would do the job better, while still leaving major decisions to the House. The difficulty the House has in debating technical problems could be met if small committees were to examine the problems and explain the points at issue before the House debated them. Indeed, all debates in the House of Commons would be more effective if their startpoint was a corpus of agreed fact which a committee had prepared.

Thirdly, it has been argued that the real mischief of the party system is that Members pursue their ends in party committees rather than in parliamentary committees; the latter would prove more effective, would work in the open, and would allow a 'House' view to emerge from debates.

The changes which have come over Parliament in this century – the increased strength of the Government, and the increasing inability of Parliament to keep itself well informed on all the many activities of Government – could also be held in check, and perhaps reversed, if the House were to organize itself more effectively.

In other words, as we have examined the major defects of Parliament today, we have seen that a possible remedy in each case has lain in a more imaginative use of committees of the House. In so doing, we have come by our own route to a conclusion reached from many other directions, on many occasions, by many other students of Parliament.

For of all the proposals put forward in recent years to improve the procedure by which Parliament can criticize the Executive and to enlarge the opportunities open to the backbench Member, the most promising is the use of House Committees as 'specialist committees', that is to say, committees which would scrutinize and report on Government action in these several fields of administration. As a result, members of these committees would come to know exactly what Government departments were doing and why they were doing it. The House through the Committees' reports would thus be better equipped to carry out its duty to support or criticize the administration.

A remarkable range of political commentators over the last thirty or forty years has advocated the use of specialist committees. Leo Amery, Mr Christopher Hollis, and a group of backbenchers of the present House, among Conservatives; several prominent front and backbenchers in the Labour Party; Lloyd George and Mr Jo Grimond among Liberals, Lord Campion and Sir Edward Fellowes among officials of the House of Commons; Sir Ivor Jennings, Professor Brogan, and Dr Wheare among scholars: all these – and many others – proposed some form of specialist committee as a means of bringing the House into closer touch with the Departments of State. This powerful advocacy has so far had little effect, because the principle of specialist committees has been rigorously opposed by successive Governments. The subject was considered most recently by a Procedure Committee of the Commons in 1959, when a limited proposal to set up a single specialist committee on colonial affairs was discussed. Even in this experimental form, however, the proposal was rejected by the Committee by 8 votes to 6.

Opposition to specialist committees is based in the first place on constitutional principle. The formulation of policy – so runs the argument – is the responsibility of a Minister and ultimately the Cabinet. In the words of the Procedure Committee of 1959, 'the

House has always maintained the right to criticize the Executive and in the last resort to withdraw its confidence, (but) it has always been careful not to arrogate to itself any of the executive power.' A committee which was given powers to inquire into the operations of the Executive in particular fields would, it was said, seek to control instead of merely to criticize the administration. Giving evidence before the Procedure Committee, Mr Herbert (now Lord) Morrison expressed the view that the terms of reference of such a committee should expressly forbid the consideration of policy so that it 'could not interfere with or challenge the policy of the Government of the day'; and a former Leader of the House, Mr Butler, has described the proposal as 'a muddle in the constitution' which would 'get in the way of administration and blur responsibility'.

When due weight has been given to the views of these leading authorities on the practice of the House, the suspicion remains that the House, in failing to appoint specialist committees, is depriving itself of a natural and proper means of obtaining information to assist it in discharging its duties. One of these duties is to criticize the Executive; and Ministers (or x-Ministers) can hardly be expected to welcome procedures which are designed to make this criticism more effective. The Procedure Committee itself divided on party lines against the proposal for a colonial committee, the Government members voting against it and the Opposition members for it. Advocates of specialist committees may rate their potentialities too highly; successive Governments have certainly pitched them too low.

Mr Butler has said that the specialist committee 'would not be a good innovation in our constitution.' But can it really be considered an innovation? Certainly Parliament has never hesitated to impose or innovate in this way when the need for more information on political matters has been felt; and in three particular instances Parliament has in recent years devised different kinds of committee to inform itself of particular matters falling within the responsibilities of Ministers upon which it felt the need of instructed advice and assistance. These three committees are the Standing Joint Committee on Indian Affairs, the Scottish Grand Committee, and the Select Committee on Nationalized Industries. These committees were alluded to in evidence before the Procedure

Committee of 1959, but it may be doubted whether their value as precedents for specialist committees was fully appreciated.

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A Standing Joint Committee on Indian Affairs was first set up in 1921 and was reappointed in every subsequent session until 1930. The Montagu-Chelmsford Report on Indian Constitutional Reform, published in 1919, had recommended the appointment of a select committee of the House of Commons as a means of ensuring in Parliament a better-informed and more sustained interest in India. This Committee was to interrogate the Secretary of State for India on the exercise of his powers, and requisition papers to keep itself informed. The Government of India Bill followed, and the Joint Committee to which that Bill was referred recommended the setting up of a Standing Joint Committee which would keep Parliament 'in closer touch with Indian Affairs than has recently been possible. It should have no statutory functions, but a purely advisory and consultative status. . . .' Thus it came about that in 1921 eleven members were appointed from each House to constitute a Standing Joint Committee on Indian Affairs. Lord Islington, a former Under-Secretary of State for India, was elected Chairman, and the Committee, which was a strong one, included several members who had seen service in India as governors, judges, or soldiers.

In the absence of any specific instruction or term of reference from the two Houses, the Joint Committee decided that it would examine and report upon any Bill or matter referred to it by Parliament; it would invite the Secretary of State for India to inform it of anything on which he thought it could usefully report to Parliament; and, subject to considerations of public interest, it would consider and report on any matter relating to Indian affairs brought to the notice of the Committee through the Chairman or any of its members. The Committee worked for two sessions on this basis. Subsequently their terms of reference were restricted, and the Joint Committee became less important as other bodies, such as the Simon Commission, concentrated in themselves public interest in Indian Affairs. Before that, however, Viscount Peel, then Secretary of State for India, had praised the work of the Committee, and expressed the view that it was a great advantage

to have 'a carefully constructed body of men in both Houses who . . . are able to bring to bear, in the consideration of Indian Affairs, not only their own intelligence or their ancient information, but fresh information which they have already gained of India. They thereby have a very considerable effect in organizing, controlling, and guiding opinion in both Houses of Parliament as to the best way of conducting Indian affairs.' This achievement probably accounted for the number and prominence of Members of Parliament both on the Simon Commission and at the Round Table Conferences which followed it.

The second precedent for a specialist committee is the standing committee of the House of Commons which considers Scottish business. To the spectator, this committee is confusing because its title and composition vary with the nature of the business which it is called upon to discharge. Thus, when like any other standing committee of the House it is considering a Bill clause by clause it is known as the Scottish Standing Committee and consists of 30 Members representing Scottish constituencies (who are nominated for each Bill) and up to 20 other Members selected in such a way that the balance of the parties in the House is reflected in the committee. When, on the other hand, the Committee is considering other classes of business, it is known as the Scottish Grand Committee, and consists of all 71 members representing Scottish constituencies and 10-15 further members, so nominated as to preserve the correct balance of parties. It is the Scottish Grand Committee which suggests a model for a further specialist committee.

It is perhaps not generally realized how important are these other classes of business which the House has instructed the Scottish Grand Committee to consider. Probably the most important are debates on the principle of Scottish Bills, which take place in this Committee unless ten or more members desire the debate to take place on the floor of the House; such debates in effect replace the second reading debate of the Bill in the House. Thus with the second reading debate in the Scottish Grand Committee and the committee stage in the Scottish Standing Committee, it is nowadays the usual procedure that Scottish Bills are not debated by the House except during the report stage and third reading. Hardly less important are the Standing Orders of the House which authorize the reference to the Committee of those Estimates of expendi-

ture for which the Secretary of State for Scotland is responsible, and of specified matters relating exclusively to Scotland. The Committee may consider Scottish Estimates for up to six days in every session, and its debates on these estimates are comparable with those held in the Committee of Supply. On several other days the Scottish Grand Committee may consider specified matters: in recent years, for example, science and industry, electricity supplies, employment, education, and tourism, so far as they affect Scotland, have been debated. At the conclusion of debates on Estimates or other matters a formal report is made to the House and a verbatim report of the debates is published.

The Procedure Committee of 1959 thought that the Scottish Grand Committee could not be considered an exact precedent for a specialist committee because the Scottish Committee 'is composed of members who represent constituencies whose affairs they are debating'. The Procedure Committee went on to assert that 'There is little doubt that the activities of such a (specialist) committee would ultimately be aimed at controlling rather than criticizing the policy and actions of the department concerned.' But as regards the analogy with the Scottish Grand Committee, it is the powers, not the composition, of that Committee which make it an interesting precedent for a specialist committee; and certainly there has been no suggestion that the Scottish Grand Committee has leant towards control and away from criticism. In fact its existing powers were granted in response to a steady pressure from Scottish opinion that the House of Commons should provide for a more sustained and separate scrutiny of Government activity in Scotland.

The Scottish Grand Committee has proved a highly satisfactory instrument for this purpose. The proof of its success is that the Welsh members of the House have pressed for, and obtained, a Grand Committee for Welsh Affairs with cognate objects and procedures. Both these committees have relieved the pressure on the time of the House: debates which would otherwise take place on the floor are now held in committees apart, in circumstances which satisfy the legitimate aspirations of regional interests. These debates are not normally concluded with votes on party lines, and though not as free from party as a smaller (select) committee of inquiry, proceedings are less controversial than debates in the House would be. This kind of Committee, successful as it is for

Scotland and Wales, might equally be used to serve the north-west or north-east of England, or any other region in temporary or permanent need of parliamentary scrutiny.

The third precedent is the Select Committee on Nationalized Industries. This committee has thirteen members who reflect the balance of parties in the House. It has always been strongly composed. Several members have been or have become Ministers (two have achieved Cabinet rank), and one has become chairman of the National Coal Board. Its regular re-appointment suggests that it may become a permanent part of the machinery of the House. It is an example of a committee used by the House of Commons in relation to governmental or semi-governmental activity as an inquiring body rather than as a debating forum, and thus it differs alike in purpose and in composition from the Scottish Grand Committee.

The basic problems involved in Parliament's relations with the nationalized industries are well understood, if difficult to solve. Since the war, these industries have developed a peculiar constitutional status. Their controlling Boards are autonomous in 'day to day' operations, but are subjected by statute to Ministers of the Crown in important respects: Ministers appoint members of the Board, give general directions to the Board when they think the national interest so requires, and exercise direct control over such matters as capital investment and borrowing. This ambivalent status derives partly, as we saw in an earlier chapter, from the overloaded nature of the parliamentary programme, and partly from two beliefs which are perhaps more widely held today than ten years ago and which are to some extent contradictory: first, that these industries should operate as efficient commercial enterprises and their Boards should in principle enjoy the same degree of freedom as the managers of private concerns; and second that the major nationalized industries – coal, electricity, gas, and transport – are of such transcendent importance to the economy of the nation that a substantial degree of public control is essential.

The impact of these beliefs was felt by Parliament when the nationalization statutes came into force. Members discovered that because a Minister had no responsibility for day to day operations, he could not be questioned on such matters as inferior coal, the price of electricity or gas, or the closing of a branch line – which

were precisely the matters most likely to arouse their constituents. At the same time the methods by which Parliament was informed of the affairs of the nationalized industries, at the national as well as the local level, were widely felt to be defective. Procedural inquiries were set on foot and as a result the House fell back on a well-tried procedure for informing itself of particular matters, namely, the appointment of a select committee. After some early teething troubles, a select committee was appointed in November 1956 with a reference 'to examine the Reports and Accounts of the Nationalized Industries established by statute whose controlling boards are appointed by Ministers of the Crown'.

Since 1956 the Committee has made reports on each of the major nationalized industries, namely the Scottish Electricity Boards (1957), the National Coal Board (1958), the Air Corporations (1959), British Railways (1960), the Gas Industry (1961), and the Electricity Supply Industry (1963). Throughout, the Committee has seen its duty as being to acquaint the House with the activities and problems of the nationalized industries, to question those industries on the matters about which Members are most perplexed, and to report to the House with such comments as are appropriate.

The Committee's reports have surveyed and commented upon many important and controversial aspects of these public corporations; yet they were agreed to by the Committee with hardly a single division, because the facts gathered from the evidence were considered in an atmosphere free from party political controversy and were allowed to direct the conclusions reached. Those conclusions have been much appreciated by the House, as the debates upon them have shown, and well received by the press, even by those sections of it which had been sceptical about the original appointment of the Committee. The Select Committee's record has done much to improve relations between Parliament and the nationalized industries. Chairmen of Nationalized Boards have welcomed the opportunity of explaining their problems, and as Lord Aldington has recently pointed out 'there is no ground for thinking that as a result of this Committee's work executives will look too much over their shoulders or that the weeds of the pernicious doctrine in industry of safety first will be more abundant or more flourishing'.

The history of these committees suggests the lines on which specialist committees might work. They could either be large committees, like the Scottish and Welsh Grand Committees, meeting at regular intervals to debate formally the problems of particular departments, or smaller committees, like the Nationalized Industries Committee, designed to acquaint the House of the activities and particular problems of Government departments. Either form of Committee would be constituted (like all Commons Committees) so as to reflect the strength of the political parties in the House, though it is probably easier for a committee of inquiry, rather than a committee for debate, to find out and appraise what a department is doing and how it is doing it.

Its starting point for inquiries would be the departmental Estimates of expenditure, and reports, laid annually before the House; and eventually it might be convenient for the committee stage of public bills to be taken in the appropriate specialist committee.

It would be for consideration whether the departmental Ministers should be members of these committees (as in the Scottish and Welsh Grand Committees) or whether they should appear before the Committees, by arrangement, to make statements and answer questions (as with the Standing Joint Committee on Indian Affairs). There might even be a case for a Minister's taking the chair. In recent years, this has sometimes happened. For example, the Leader of the House is by practice chairman of the Committee of Privileges, and has taken on the chairmanship of recent committees on Procedure and the Home Secretary was chairman of the Select Committee which lately looked into the case of servicemen who were using the electoral law to escape from their military commitments. This latter instance is of special interest as a precedent for a specialist committee, for here was a Minister presiding over a Commons committee which was inquiring into a matter within his administrative responsibility.

Whoever was appointed chairman, a committee for inquiry would certainly be given power to send for civil servants and any other persons who could advance their inquiries, and to pursue these inquiries 'in the field' away from Westminster. As select committees, they would meet in private, so that party political considerations would intrude as little as possible into their deliber-

ations. They would report their findings from time to time, and, it would be hoped, enhance the quality of debate and criticism on the floor of the House by their careful appraisal of departmental problems and achievements.

Used in this way, the committees would be consultative or advisory bodies, and it is hard to see why ministerial responsibility should be infringed. This is how select committees of the Commons on administrative matters have traditionally worked; and this is why British parliamentary committees can be distinguished from specialist committees of other countries, with which they are often inaptly compared. Opponents of the specialist committee frequently point to the equivalent committees of the United States and France as illustrating the threat to ministerial responsibility and the extent to which 'the floor' is impoverished when the real source of authority becomes the specialist committee. Once placed in their proper constitutional context, however, these analogies are seen to be misleading. As Bryce long ago explained, Congressional committees in the United States grew directly out of the constitutional separation of the Legislature from the Executive and thus from the absence in Congress of persons, like Ministers in Britain, 'whose official duty required them to run the machine by drafting schemes and bringing the raw materials of its work into shape'. Thus the practical work of shaping legislation and fixing the level of departmental expenditure has traditionally been done by the Congressional Committees, which negotiate directly with the Government departments, and which have been well described as "'the buckle that binds, the hyphen that joins'" the Legislature to the Executive', thereby taking the place of the Cabinet in the English constitutional system.¹

Under the Third and Fourth Republics in France, the permanent committees fed upon the essential weakness of the Government, which was neither constitutionally separated from Legislature, as in the United States, nor yet master of a parliamentary majority, as in Britain. Thus the authority of Ministers who were rarely more than transitory figures was steadily eroded by committees which were permanent. Under the constitution of the Fifth Republic, we are back again to the separation of powers on the American model,

1 G. B. Galloway in 'Investigative Functions of Congress', *American Political Science Review*, Volume XXI, No. 3.

though several constitutional provisions limiting the powers and initiatives of the committees and of individual Members of Parliament now make it impossible for French permanent committees to develop the authority of Congressional committees.

None of these foreign committees bears any useful resemblance to the kind of specialist committee which has been proposed for the House of Commons. This kind of committee cannot be described as unconstitutional because no constitutional control would be traversed by its existence: the system of Cabinet Government rooted in a party majority of the House of Commons would be undisturbed, and indeed the proposed committee would itself reflect this majority in its composition. No one wishes to diminish the authority of the Executive. As Sir Ivor Jennings has pointed out, 'the British Government is one of the strongest, if not the strongest, Government in the world'; and we have cogent historical reasons to be thankful for that strength. But the stronger the Government, the more urgency there is for its actions to be made known and to be criticized in full knowledge.

The kind of specialist committee which we have suggested would obviously entail some modification of the Estimates Committee. This committee, whose importance we considered when dealing with the House's financial function, has been appointed in every session since 1912 (excepting the years of war) to scrutinize the Estimates of expenditure laid annually before Parliament by Government Departments. Nowadays it consists of 43 members, chosen to reflect the balance of parties in the House. It attacks the Estimates on a broad front, using six sub-committees, under a steering sub-committee, to inquire into Government spending. But it is expressly debarred by its terms of reference from criticizing Government policy. Its duty is to recommend administrative economies within the framework of existing policy, and its inquiries, admirable as they usually are, have necessarily a limited scope and effect.

One far-reaching consequence of this limitation is worth noting here. The Estimates Committee usually appoints a sub-committee to look into one aspect of the Service Departments. But the bar on policy matters sets a limit to both the kind and quality of information which is given to this sub-committee. So it is not surprising

that British Members of Parliament who attend international defence conferences certainly find themselves less well informed than their continental opposite numbers who, through 'specialist' committees on defence in their national Parliaments, are conversant with problems of defence at the level of policy.

This bar on policy would be removed if the Estimates Committee were to be merged with the new specialist committees, and the good work at present being done by the Estimates Committee would be enhanced in consequence. On the other hand, the Public Accounts Committee, being concerned primarily with the cardinal sins of overspending and misappropriation and waste of public money, as revealed by the Accounts of Government Departments, would probably be unaffected by the operation of specialist committees.

An example will show how the specialist committees could revitalize the work done by the House in its oversight of Government expenditure. Let us suppose that one of the committees, having carried out an inquiry along the lines of the Estimates Committee's inquiries today (though without the Estimates Committee's inhibition on policy), discloses in a report to the House some extravagance by one of the departments. The Committee of Supply could then spend a day debating this report, together with any reply which the department concerned might have made to it; and the debate would take place, not on an innocuous motion 'to take note of the report', but on a motion to reduce the department's Estimate by such amount as the specialist committee suggest. With the full facts in front of them (in the report), the Committee of Supply will listen to the case made out by the Minister for granting him the full Estimate, and will then decide whether to vote him the full amount or less. This would undoubtedly bring back some reality into the charade of the House's supervision of Supply; it would give to the committees the assurance that the Government could not afford to ignore them and their conclusions; and it would inject a sense of purpose into debates which are at present lacklustre and ill attended.

Specialist committees in the House of Commons would probably also absorb the numerous, though unofficial, committees set up by Members of all parties to follow particular subjects. Apart from the party committees, which are discussed in an earlier chapter,

all-party committees have been set up on a wide variety of matters which, at least in the first instance, do not arouse party political controversy. Examples are the Parliamentary and Scientific Committee, the Parliamentary Medical Committee, the Tourist and Resorts Committee, the Space Research Group, the Animal Welfare Group, and the Arts and Amenities Committee. These committees are informal; they illustrate the need felt by members, in the absence of formal arrangements made by the House, to set up groups on matters which might otherwise be treated too cursorily. Useful work is done by them; but there seems little doubt that it would be done at least as effectively within a system of House Committees.

At present, despite all these ways in which the House of Commons has tried to keep a hold on the Government, the Government has remained relatively untouched. Each of the committee devices so far adopted has some defect. Select committees with adequate terms of reference do not cover anything like the full sweep of Government. Unofficial committees (like the Parliamentary and Scientific Committee) lack the power of a select committee to compel witnesses to attend or documents to be produced, and the apparatus by which a select committee makes known its views. Party committees even at their most effective are of their nature constrained by party attitudes and party expediency.

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Of all the qualities which distinguish a private Member of the House of Commons from a Minister, ignorance is the most telling. Private Members have always been keenly aware of this deficiency. Lord Templewood, on leaving the Government, said that the worst thing about his new situation was this sense of being cut off from all the information to which he had access in office. According to Mr Leslie Hunter, one of the reasons why dissident Labour Members formed themselves into the Keep Left Group under the Labour Government was to interchange all the information they could gather, in a constant battle to keep up with Ministers backed by all the resources of the Civil Service. Again, the shadow Minister of Defence, leading for the Opposition in a recent debate, clearly showed the predicament he was in (and gave away his party's case

in doing so): challenged on a major point, his answer in Hansard reads:

'I really do not know the facts [*laughter*]. The Opposition cannot possibly know the facts on which a decision of this kind is based.'

In this instance, the information may have been classified. But that there is a wealth of non-classified information which could be, but is not, made available to Members is seen from the observations of other prominent Labour spokesmen: both Sir Geoffrey de Freitas and Mr Bellenger have said that they gained more information on defence from sources abroad than they had obtained in the House, and Mr Peart said the same about the agricultural aspect of the Common Market negotiations.

There is of course nothing new in the fact that Ministers are, as a general rule, better informed than private Members. But it is at least arguable that this superiority, and the power that it confers, is more marked today than ever before. According to a current view of the British Constitution (a classical statement of this view is made by Mr R. H. S. Crossman in his introduction to Bagehot's *The English Constitution*), the powers traditionally exercised by the Cabinet are now tending to concentrate in the office of the Prime Minister. His position, it is suggested, is now underpinned first by a centralized party machine under his personal rule, and secondly by a powerful administrative machine, the Civil Service, whose loyalty has been steadily and consciously directed towards the Treasury (and so to its political head, the Prime Minister), rather than to the political heads of each Department of State.

Mr Crossman carries his contention to the logical conclusion of consigning the Cabinet to what Bagehot described as the 'dignified' parts of the Constitution. But, whatever the precise balance of authority between the Prime Minister and the Cabinet, the problem which Parliament faces is serious enough: how is this colossus, underpinned as it is by party and by bureaucracy, to be made to pay attention to the opinion of Parliament? How can Parliament arm itself with the necessary information, and so the authority, to make that colossus fully accountable for its actions?

No Legislature need fear a strong Executive provided that its own methods of scrutiny are of commensurate efficiency. This is the major advantage which the House of Commons could gain from

the proposal which we have put forward for the appointment of specialist committees. Reference is frequently made to the frustrations of the backbenchers whose duty has become more and more to apply the rubber-stamp of their approval to measures on which the Government has reached agreement with interests and pressures outside Parliament; and we have noted that the Commons, in channelling their views through the party committees, have failed to counter this process, because the procedures and organization at their disposal are not strong enough. But supposing the Commons were to appoint half a dozen specialist committees – beginning with, for example, science, the social services, agriculture, and transport, and extending gradually to the whole field of Government – the picture would soon change. Private interests and pressure groups who already operate haphazardly through the individual Members, or directly with the Government, would be quick to use the specialist committees as a channel through which their views could be made known to Parliament. These committees in turn would take account of those views when reporting to the House; through their reports the House would be able to bring a significant influence to bear upon the Government.

Meanwhile, the backbench Member would himself be gaining from this more systematic scrutiny of the Administration. Armed with the knowledge gleaned from successive inquiries, backbenchers of all parties would get to know almost as much about their subjects as Ministers themselves, and so be in a much better position to contribute to debate and influence opinion. Moreover, as has frequently been shown, members of select committees, when furnished with the full facts, tend to reach agreed points of view which run across or between the party lines. Lord Morrison has suggested that an Opposition might be embarrassed if they found themselves attacking a policy which had been endorsed by their Members on a committee. But it is just as likely that these Members, knowing the reasons for a Department's actions, would be able to persuade their party leadership to accept their views on whether those actions should be approved or attacked. Certainly if some kind of 'House' view on particular matters were to emerge, it would provide a healthy corrective to the present dogmatic party approach, and would ensure that debate on the floor was more effectual.

If eventually the House decided that the committee stage of public Bills should be taken in specialist committees, it would only be continuing a trend begun years ago. We have already noticed that in this century the House has been relieving itself of this committee stage by making more use of Standing Committees; and latterly in the interests of greater efficiency it has increased the number, and decreased the size, of these Committees. These used to consist of a permanent nucleus of Members, to whom would be added other Members having special qualifications for dealing with the Bill under discussion; now they are nominated *only* from Members with such special qualifications. Furthermore, Scottish and Welsh Bills are sent to Committees composed very largely of Scottish and Welsh Members. There is, in other words, already a considerable leaning towards specialization in setting up Standing Committees; and the committal of a Bill in future to a specialist committee – which is at once smaller than a Standing Committee, and composed entirely of Members who have specialized in the relevant subject-matter – would seem to carry this to its logical conclusion. Certainly the scrutiny of Bills by such Members would result in better-informed discussion throughout the committee stage.

Let it be said once again: the proposal for specialist committees is not aimed at reducing by one scintilla the power which the Executive disposes. It *is* aimed at making the exercise of that power more responsible to Parliament. On the one hand, it would ensure that the views expressed by private Members in debate would be considerably strengthened, over the whole field of government, as a result of the work done by the 'advisory bodies' upstairs; on the other hand, whether those views were eventually accepted or rejected by the Executive, they would, because of their origin and authority, have to be taken into account. The appointment of specialist committees would not alter the essential constitutional function of Parliament. But it would let Parliament do its job better.

This is essentially a practical proposal. The House can order the appointment of a committee at any time. We have shown that some specialist committees have already been appointed; more could be appointed tomorrow. No legislation has to be brought in, no Standing Order amended. Probably no more public money

would have to be spent: the total cost of the inquiries made by specialist committees – itself an infinitesimally small proportion of the cost of the administration being scrutinized – would probably be no more than the cost of inquiries made at present by the Estimates Committee (whose activities, we have suggested, would be merged in those of the new committees).

What are the prospects of a Government's agreeing to the appointment of more specialist committees? Lloyd George believed the system to be basically objectionable to Ministers, though he thought that it would do them and their officials good. But since his day Parliament has made some precedents for the specialist committee. One of them – the Nationalized Industries Committee – has proved that closer scrutiny by the Commons means less party political controversy, and so less political trouble and pressure for Ministers. The same committee has shown that a group of private Members, by thorough study and clear presentation, can do much to illuminate matters of special complexity; and this precedent has recently led a front-bench spokesman for the Opposition to suggest a House committee to study and elucidate the complex influence of science as a factor in day to day politics. It is at least arguable that a Minister's responsibility for informing Parliament about these difficult questions would be eased if such a committee were appointed. For these reasons, and because no Minister worthy of his appointment would wish to evade the challenge presented by a specialist committee, Ministers may come to accept the view of Leo Amery who, from his own experience as a Minister, thought it would have been helpful to him to give information and explain his policy to a committee of Members of Parliament.

What assistance should be provided for specialist committees? Basically it should flow logically from the nature of their duties. These committees are not committees to govern; they are committees to advise and assist the House in its function of scrutinizing the administration, and debating the policy of the Government of the day. Their comments should be the comments of politicians, not of a range of resident experts on the pattern of Congressional Committees, which are entrusted constitutionally with a governing function of far wider scope. These Commons committees should be served by a staff under the House's control, who would be able,

from experience gained over several years from successive inquiries, to advise committees on fruitful lines of inquiry, analyse evidence, and draft reports. This staff should be primarily an administrative staff, with the same qualifications as the Administrative Grade of the Civil Service. If more specialized or 'expert' assistance is desired by committees, their powers to summon persons – official and unofficial – to give evidence before them are unrestricted.

It is sometimes said that the available space within the Palace of Westminster makes impossible a system of specialist committees on these lines. Yet it is doubtful whether the press of committees today is half what it was in the past; in some sessions during the nineteenth century as many as twenty-five committees would be found sitting on the same day. But it is unlikely that, at least in its early stages, the introduction of specialist committees would add significantly to the total number of House Committees. The six working sub-committees of the Estimates Committee may be regarded as full committees for purposes of accommodation; each meets separately to conduct its inquiry before reporting to the parent committee. Thus if the specialist committees were to absorb the Estimates Committee, little more space would be required. These are house-keeping, not primary, problems. If the will is forthcoming, the way to solve them will be swiftly found.

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We have said enough in this chapter to show that the idea of the specialist committee has had powerful advocates in the past and that this advocacy has been reinforced by the practice of the House, which has been moving steadily in the same direction. We have also implied that the examination of this idea, and the debates upon it, have been far from thorough; too often its essential value has been lost sight of in a fog of misleading comparisons with foreign legislatures, and in hand-on-the-heart appeals to doubtful constitutional principles. But the foreign comparisons are, as we have seen, inapposite; and the appeals to an unwritten Constitution seem a little hollow when the House is daily using committees of the kind we recommend. The idea is practical and it would not, as its opponents say again and again it would, derogate from the present

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powers of Government. It would, on the contrary, leave Parliament and Government performing the same functions as they do today—but with the important difference that Parliament would be fulfilling its role with enhanced efficiency.

The Public Eye

We have throughout this book argued that, for the reputation of Parliament to be improved, Parliament must work more effectively. Unless that happens, no amount of attention to public relations will improve its image.

But if improvements are made (preferably in the way we have advocated), it would be advantageous for them to be combined with measures which are specifically directed to improving the regard in which Parliament is currently held in the country today. Much of this book has concentrated on methods of improving Parliament's ability to scrutinize the actions of the Government and to debate its policies. Hardly less important is its representational function, the duty to make known the needs, interests, and views of the electors and to secure the redress of grievances. We conclude with some suggestions as to how this function can be exercised more efficiently and can be seen to be so exercised.

To start at the beginning of the electoral process, can the method of selecting candidates for the House of Commons be improved? Several commentators have noted that the powers of the local constituency associations have been increasing; the advance of the party machine has not been confined to Westminster. It is widely understood that in 'safe' seats the constituency associations virtually choose the Member, and that in practice the choice is made by a handful of the association's leaders. What is not so widely appreciated is the number of seats which have proved over the years to be safe. In the five general elections since 1945, the smallest number of Conservative Members returned has been 213 (in 1945) and the smallest number of Labour Members 258 (in 1959). The combined figure of 471, nearly three-quarters of the total number of seats in the House, does not, of course, by itself give the number of safe seats in the country. Alterations to constituency boundaries

and shifts in population and political tendency make it impossible to be so precise. But it is probably fair to suggest that a high proportion of the figure of 471 are in fact safe seats.

On the hallowed principle that absolute power corrupts absolutely, the national concept of a Member of Parliament as a representative rather than a delegate is likely to be – and in some instances has been – impinged upon by a caucus which disposes of this most important power. A possible solution has been canvassed: it is to introduce some kind of ‘primary’ election within the constituency party. The list of candidates, which for a safe seat is usually a long one, would be sifted by the caucus who would nominate two or three of them. These nominees would submit themselves for election to all the members of the party in the constituency, perhaps after a period in which they ‘work their passage’ and thus become known within the constituency. We believe that this ‘primary’ election of candidates would both spread the responsibility for selection and arouse a far wider public interest in the candidate who is to carry the party banner at the next election. It is a simple device, requiring no legislation. An experiment on these lines was tried in one of the constituencies of Bournemouth, in the aftermath of the disagreement between the sitting member and the party caucus over the Suez incident. The atmosphere in this constituency was probably too charged with personal tensions for any useful lessons to be drawn about the value of this particular experiment. But similar experiments could be made tomorrow by any enterprising party which believes that public criticism of the present methods of selection is valid and ought to be met.

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Once a Member has been elected to the House, what kind of working facilities should be put at his disposal?

In a recent debate one Member described the facilities offered to him as follows:

‘When I came here in 1950, I was given a key to a locker which was no bigger than that which I had at school. That was the only accommodation, the only amenity, I had in the building.’

He allowed that over the years things had improved.

‘I now have (in addition to my locker) a little desk . . . with another

seven Members in a room the size of the average dining room in the average council house. . . . All the time, every day in midsummer we have to have artificial light. . . . The room is ideal for a suicide. If I could squeeze out of the window I could throw myself, and sometimes feel like doing so, into the Thames. . . . The room is wholly inadequate for an effective Member. . . .'

This speech was made by a Member who is evidently wholly dependent on the facilities offered in the Palace of Westminster; and if a Member has to do his work there, it cannot possibly make for efficiency if those facilities are inadequate. Not all Members do so. Their needs vary. Some prefer to do their political work in their offices or at home. But the essential point is that adequate facilities should be available at Westminster to any Member who wishes to take advantage of them.

Progress is at length being made towards this desideratum. Some 50 rooms on the new floor in the Palace of Westminster (currently being built) and 280 more in the new parliamentary precinct (to be built on the north side of Bridge Street) are – together with the rooms already occupied by Ministers, Opposition Leaders, Chairmen of Committees, and the like – expected to meet Members' most clamant needs. Even this provision, which no efficient firm would regard as more than the basic minimum for its staff, is unlikely to be completed before 1968. Meanwhile the public will continue to regard the working conditions of Members as inefficient and absurd; and Parliament will continue to lose face on that account.

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Closely linked with the facilities afforded to Members is a more delicate question: how much should they be paid? At present a Member's salary stands at £1,750 a year, of which up to £750 may be set off as an allowance against essential expenses incurred as a Member. The salary, it is worth remembering, was set at this level in 1957. Much of the debate on whether this sum should be increased is addled by fear that a class of 'professional politicians' will emerge.

The word 'professional' has two connotations today: it conveys, first, the skill deriving from the practice of a profession and, secondly, the performance of specified functions for money. Is it

going too far to suggest that the term is no more opprobrious when applied to a Member of Parliament than to a lawyer or a doctor or an accountant? Even the M.C.C. have recognized that the distinction between Gentlemen and Players is obsolete; and it is time that the question of Members' pay was discussed free from the tyranny of this kind of distinction.

What is usually meant by a professional politician is one who gives the whole of his working hours to politics. Despite the danger to the Constitution which such Members are alleged to represent, it is difficult to see how Parliament could function without them. A rough idea of their number can be gained from a glance at the list of Standing Committees which meet in the mornings when Members with outside occupations are necessarily at work elsewhere. When these committees are in full flood, especially between January and June, probably over 200 Members are engaged at a time. If we add another 100 Members who are senior or junior Ministers, it seems reasonable to assume that not far short of half the Members of the House are full-time.

We are not arguing here that a larger percentage of Members could be full-time. The House of Commons has always been lengthened as much by the experience of those who keep in day-to-day touch with other walks of life as by those who, with or without other previous experience, give their lives exclusively to its service. What we are saying is that the salary paid to a Member should be related to the needs of the whole-time Member. By that yardstick, for a functionary who must pay for his own secretarial services, postage, and (unless he is lucky enough to live in London) charges for accommodation when attending the House, it is plainly inadequate.

By far the simplest method of adjusting Members' salaries is that used in France and several other countries where they are tied to the salary level of a particular category of civil servants. Probably an Assistant Secretary's grade – in which the salary at present ranges between £3,000 and £4,000 a year – would be appropriate for this country. This arrangement would mean that Members' salaries could be automatically kept broadly in step with movements in the cost of living without undue fuss or publicity, as Civil Service salaries are, though the facts of course would be ascertainable by the public. It would also put an end to what one com-

mentator has nominated as 'the most degrading spectacle in public life', namely, the periodic trek of an all-party deputation of M.P.s to the Prime Minister, who makes sympathetic noises and then finds the moment inopportune for action.¹ This is a nettle which, for the well-being and dignity of Parliament, should be grasped firmly, quickly, and once and for all.



Our next proposal touches Parliament's quintessential role as the repository and champion of the personal grievance. In the last few years, perhaps because the extension of Governmental powers has brought private citizens into contact with public administration to a greater extent than ever before, much interest has been shown in the Scandinavian institution of the Ombudsman, an officer appointed to investigate allegations by private citizens of bureaucratic abuses and to recommend remedies. New Zealand, for instance, appointed an Ombudsman in 1962. But an important objection to an Ombudsman in this country is that he would intervene in the proper constitutional relationship between Ministers of the Crown and Parliament.

Within its own establishment, however, the House of Commons already has a committee on public petitions which could readily be adapted to carry out the functions of an Ombudsman without traversing any constitutional principle. The famous resolution of the House in 1669, 'That it is the inherited right of every commoner in England to prepare and present petitions to the House of Commons in case of grievance, and the House of Commons to receive the same', is still undoubtedly valid for the individual with a grievance. But the practice of petitioning the House has for long been declining; from some 30,000 petitions a session in the middle of the nineteenth century, the number has fallen to some 20 today. As the House became more representative, other procedures, such as Questions to Ministers, were developed in order to ventilate popular grievances on the floor of the House. At the same time debate on petitions, which consumed an inordinate amount of time, was restricted. Today their presentation allows a Member

1. Since these lines were written, the Government has appointed an independent committee to inquire into Members' pay. It is to report by the date of the General Election.

to make a brief political demonstration. Petitions are not debated, nor is any action taken to look into them; and the Committee on Public Petitions is restricted by its terms of reference merely to compiling a catalogue of the petitions which have been presented.

But suppose that the Committee were empowered to consider the merits of petitions and to investigate the allegations contained in them. Suppose they were given powers, like the specialist committees we have already proposed, to send for persons and papers, and to recommend to the House how the grievance should be cured. The Committee, and through their work the House, would soon earn public esteem and could become a powerful champion of individual rights. At the same time there would be no risk of traversing matters proper for the Courts of Law, because the House's own rules insist that a petition must set forth a case on which the House has jurisdiction to interfere.

The proposal to revitalize the Committee on Public Petitions was first put forward in *The Times* by a special correspondent on 2 December 1960. On the same day, the (then) Solicitor General, speaking for the Government, gave it a cautious benediction during debate on the possible appointment of an Ombudsman. Since then, no action has been taken along those lines, perhaps because the Government remains suspicious about the potentialities of committees of the House, and because private Members have not made the necessary effort of will to secure the broadening of the committee's terms of reference. Yet the proposal is still what it was then – practical, inexpensive, and ideally suited to bolster the House's existing procedure and operations in a field which it has traditionally made its own.

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Those who believe in a parliamentary system of Government accept as a basic truth that Parliament should be the most important public forum in which the affairs of the nation are discussed. Perhaps because the press has always laid claim to be a third chamber by virtue of its own public discussions, there has been a long history of jealousy between it and Parliament. Even today the reporting of parliamentary proceedings by the press remains technically a breach of privilege. More recently radio and television broadcasts have emerged as new claimants for the public's

attention, and because their approach to the public is direct and personal those mediums of mass communication have been highly successful in presenting and discussing every kind of public issue.

It is hardly surprising that Parliament, long since alerted by its encounters with the press, should have become suspicious of the new mediums. The evolution of the '14-day rule' under which the B.B.C. undertook not to discuss any issues that were to be debated in the House within a fortnight, was only one instance of Parliament's determination to uphold its primacy in debating the affairs of the nation. But with the multiplication of wavelengths and the beginning of a first, and then a second, channel of television, the rule, which the public clearly thought absurd, was first modified and then scrapped.

Much more constructive has been the debate on whether the proceedings of Parliament should themselves be televised. We have already noted how in Australia and New Zealand the broadcasting of parliamentary proceedings followed logically from the tightening of party discipline: under those conditions Members seek a better, wider outlet for their oratory than the embattled ranks of their opposite party Members. The same sequence of events has been unfolding in this country. The most ambitious plan has been to assign a single channel wholly to the televising of parliamentary debates. More practically – since few Members are sanguine enough to suppose that every moment of the parliamentary day is first-class entertainment – discussion has centred on the possibility of recording the entire proceedings for the use of such institutions as libraries and schools, and of broadcasting each night an edited version, to last twenty minutes or half an hour, of the day's proceedings.

We believe that the proceedings of Parliament should be televised. Here is an opportunity for the work of Parliament to be brought to a far wider public than is possible at present through other mediums. Yet basically the proposal to televise raises no question of principle which has not already been settled, first, by opening the galleries to members of the public, and secondly by allowing the press to report proceedings. Parliament took many years to achieve this tolerance, but its extension to television would be a difference of degree rather than kind.

There are significant difficulties to be overcome. It is often said,

for example, that Question time, with its swift repartee and varied subject matter, would be the very stuff of televising. As however the Question itself is not read out in the House before the answer is given, a spectator would lose much of the interest in the game unless he were given an order paper with the Questions set down (as are the occupants of the press and public galleries). Mr Robin Day has suggested that in an edited version the commentator could give a summary of the Question before showing the Minister answering and Members putting supplementary Questions. But it would be harder for him to do so adequately where a Minister answers (as Ministers often do) several questions together and where subsequent exchanges turn on whether his generalized reply has dealt with the particular point raised in each Question.

Again, the preparation of an edited version of the day's proceedings is no simple matter. The producers would doubtless aim at the high standard of impartiality achieved in the B.B.C.'s radio summaries. But it is one thing to make a summary of a complex debate to the satisfaction of all the participants in time for the nightly radio broadcast (and the B.B.C.'s précis-writing has by now reached the level of fine art); it is a problem of an entirely different order to cut a televised record of a debate to achieve a comparable result.

For those and other reasons, it may be that, at least to begin with, a weekly programme would be more appropriate than a daily summary of each parliamentary sitting. One hour could then be allotted, perhaps every Friday night at the peak viewing time, to a résumé of the best day's debate of that week. In many weeks it would not be difficult to decide, in terms of public interest and parliamentary incident, which was the best debate; but if necessary the political parties could take it in turns to make the choice. The delayed presentation would also give the broadcasting authorities an opportunity of showing it first to a group of Members appointed by the House to ensure that the editing was fair. Suitably edited, the House's debates would undoubtedly make excellent television.

This form of televising the debates of the House might go a long way to assuage the genuine anxieties of many Members as to the effect of television on parliamentary debate. Once debates are

televised, it is argued, Members would no longer answer each other's speeches, but would try to speak directly to their constituents. The set-piece oration would replace the present conversational style of speech, and the cut and thrust of debate would be lost.

This might well be the result of televising the whole of a debate. But it would not necessarily be so in an edited version lasting one hour. Here the producer's task is to cut the material so that the main arguments thrown up in the debate are closely pursued from the opening to the winding up. The man who makes a 'constituency speech' (which every Member will readily distinguish from a genuine contribution to debate) would be cut out of the edited version altogether. The same fate would overtake the man who puts on a display of verbal pyrotechnics unrelated to the main themes of the debate. Only those who argued the case would be left in. In these circumstances the incentive to be included in the edited version would rather improve debate than spoil it.

In due course, television could also be taken to the committee rooms of the House. Oddly enough there is no adequate radio coverage of the work of the House's committees, even as they are organized at the present time. There should be at least a regular spot on the Third Programme on which their inquiries would be reviewed and discussed. Moreover, if 'specialist committees' are appointed, their proceedings might well be recorded for television as well as for the information of the House. Here again the principle would be the same: an edited version, which eliminated the tedium of the full record, could be put out soon after the committee had made a report to the House. When enough committees have been set up, a regular programme on what they were doing might prove to be of public interest.

We believe that in exposing itself to the eye of the camera, the House will be losing no more than it has lost in opening its galleries. It has nothing to hide, except perhaps the tedium of much of its routine work, and that would be excluded from an edited version. It has also much to be proud of; and it is a reasonable supposition that a televised version of its proceedings, edited sympathetically, would increase the esteem in which Parliament is held by the public. By making more parliamentarians better known to the nation at large, it would also do something to offset the

polarization of politics, in the persons of the Prime Minister and the Leader of the Opposition, which we have noticed elsewhere in these pages.

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Our final suggestion stems from the references made to the summarized versions of Parliament's proceedings on the radio and television. It has been one of the themes of this book that today's Members have too much to do and read and think about. It would probably be a boon to them – and in the long run, a service to Parliament – if *Hansard* were to be published in two forms; one version would précis the speeches made, the other would publish them in full. This is current practice in many Parliaments of the world. From the précis, Members would note which speeches were of particular interest to them; they could read such speeches in full in the other version.

Furthermore, is there not scope for a *Hansard* journal or magazine which culled the best from the week's happenings in Parliament? Most regular observers of the two Houses would agree that their debates throw up at least as much interest and incident as a week's radio broadcasting. Yet the B.B.C.'s own journal, the *Listener*, has for years successfully catered for the needs of an interested public; currently its circulation is just below 100,000. This contrasts strikingly with the sad circulation of *Hansard* today, which was noted in Chapter I. A parliamentary journal which could challenge the *Listener* might well find the large public which used to read *Hansard* but which now has neither the time nor the interest to read it *in extenso*.

Conclusion

Criticism of Parliament has been vigorous and continuous for as long as anyone can remember. It is healthy and right that this should be so. But a good deal of it stems, as Dr Wheare has lately pointed out, from 'the myth of a golden age of legislatures when wisdom and oratory and gentlemanly behaviour and public spirit all seemed somehow to flourish and to flourish together'.

Yet if we look back as far as 1832 – before that date, Parliament was of course a very different animal – it is difficult to pin down a golden age of the House of Commons. Those who have heard Churchill, Aneurin Bevan, and Oliver Stanley at the height of their powers will need a great deal of persuading that the finest oratory in the post-1945 House has ever been excelled; and we have noted that backbenchers today, in their increased readiness to contribute to debate, show more vitality than did their predecessors. As to order and good manners, when we have made passing criticisms of today's House on these grounds, we have been conscious that there have been far greater offences in earlier Parliaments. In the 1880s, for instance, we find the Irish Members constantly bringing the proceedings of the House to a standstill; on the eve of the First World War, after the turmoil caused by Lloyd George's budget and the reform of the House of Lords, we find Carson and Bonar Law leading the Conservative Party, over Irish Home Rule, up to and beyond the frontiers which separate legitimate opposition from sedition and civil war; in the inter-war years, we find the Clydeside rebels behaving with an intransigence that was reminiscent of the Irish nationalists. By contrast today the Commons appears to be a model of good behaviour.

We started our book by contrasting the public's opinion of Parliament today with what it was in 1945. The contrast was not favourable. But if we were to go back thirty or forty years, a

different contrast emerges, and the public's own attitude to Parliament now is seen to be vastly more favourable than it then was. The Hansard Society's book on the reform of Parliament has made the point that to read the political commentators of the 1930s is to be struck by the extent of these changes. Then Parliament seemed to be impotent in the face of an overwhelming problem, namely, economic depression with its harsh and sordid consequences in terms of unemployment, poverty, frustration, and waste. The vigorous economic planning of Hitler, Mussolini, and Stalin was being contrasted on every side to the parliamentary system ('the talking shop') which hampered similar efforts here. The sense of frustration and impotence felt at the time was so great that, according to one Member, '... at any rate in the House of Commons, the war was entered upon with almost a sense of deliverance'. It is not surprising that a real doubt whether we could keep our parliamentary institutions runs through many publications of the time. Today, after Parliament has proved itself strong enough to contribute to the successful prosecution of a world war on the one hand, and to adapt itself to the needs of a government with a radical programme of legislation on the other, we do not know of a single political commentator who writes about Parliament in such sweeping terms of doubt as were so characteristic of the 1930s.

It is worth making this contrast, because in the spate of commentary on the state of the nation which has lately been coming from the more intellectual newspapers and journals the popular acceptance of Parliament as a system is sometimes overlooked. Parliament can take comfort from the fact that, as an institution, it is generally regarded as being capable of discharging its duties, although it may sometimes seem to go the wrong way about doing so.

So the background is, on the whole, reassuring. But in the foreground there are, as we have pointed out, a number of faults in the structure to which a prudent householder should hasten to give attention. Our analysis of these has led us to the belief that all of them would be moderated, and some of them wholly rectified, if the House of Commons were to reform its committee system. It could do so, as we have pointed out, easily, without legislation, without any appreciable increase in expenditure – and

furthermore without swerving from its own traditional approach to new problems.

It is possible that our proposals would not bring immediately noticeable benefits (and this underlines the unalarming nature of the idea); but we have been considering the state of Parliament within the context of its long history, and the few years which the committees may take to feel their way will not be time lost. In the long run, the changes could not help but bring an improved effectiveness to Parliament.

Only when Parliament is made more effective will there be a resurgence of confidence in it; the resurgence would be greater if, concurrently with the procedural changes, Parliament took steps to repair various other shortcomings to which we have also referred. These latter reforms, we stress, would not bring any fundamental improvement if they were not combined with an improvement in Parliament's working; but, in such a combination, they should give a real boost to popular faith in our system of government.

It would be unfortunate if parliamentary reform were to become a party political issue: the reforms suggested in this book have, we say again, been advocated by knowledgeable people of all party affiliations and of none. The subject is essentially a House one, and one on which Members should come to their own independent conclusions.

It is very much to be hoped that they will take up the challenge of the age; for there is, everywhere, a widespread feeling that it is time for our institutions to reform themselves. Eventually Parliament will have to take notice of this feeling, for it, more than any of our institutions, exists for the expression of public opinion. If Members of Parliament were to press vigorously the case for the reform of their own House, they could do so in the confidence that the public is expecting it of them.

Note for Further Reading

Parliament is a subject that is written about never-endingly, and, as we acknowledge in the text, many of the ideas we deal with have appeared in other works on the subject. For a fuller statement of some of the arguments, the reader is recommended to refer to the books mentioned below.

Walter Bagehot's classic work, *The English Constitution*, was first published in book form in 1867. It has recently been republished (Collins, in the Fontana Library) with a long and provocative Introduction by R. H. S. Crossman, which is in itself a stimulating essay on the Constitution today.

A good workmanlike description of the process of government today is given by Lord Morrison, in *Government and Parliament* (O.U.P.). For a history of how parliamentary procedure has evolved, and a weighty account of how it operates today, you should read Lord Campion's *Introduction to the Procedure of the House of Commons* (Macmillan). Lord Campion was also editor of *Parliament: A Survey* (George Allen and Unwin) which, although now partly overtaken by events (it was first published in 1952), offers a fine symposium of views on the nature and problems of British parliamentary government. A useful work, which sets out the problems of parliamentary reform, and the many proposals made on this score, is the Hansard Society's *Parliamentary Reform 1933-60* (Cassell). A comparative study of the work of different Parliaments by Dr K. C. Wheare, entitled *Legislatures*, was published in 1963 by the O.U.P.

A standard work on the party system is R. T. Mackenzie's *British Political Parties* (Heinemann); while for an interesting account of how the pressures of party politics affected the career of one Member of Parliament, you should read Nigel Nicolson's *People and Parliament* (Weidenfeld and Nicolson). A learned study

of government finance is *The Control of Public Expenditure*, by Basil Chubb (O.U.P.), while Paul Einzig's *The Control of the Purse* (Secker and Warburg) offers an interesting, and more controversial, treatment of the same subject.

The novel question of televising parliamentary proceedings is ably discussed in Robin Day's *The Case for Televising Parliament*, a booklet published by the Hansard Society in October 1963.

Glossary of Parliamentary Terms

Many of the parliamentary terms used in the book are defined when they first occur. For reference, we give here a glossary of some of the more important of them.

A. Bills

BILL the draft form of an Act of Parliament when it is being considered by either House. It is known as a Bill until it receives the Royal Assent and becomes an Act.

PUBLIC BILL a Bill of general application, usually affecting the whole country. It can be introduced by a member of the Government or by a Private Member (hence, *Private Members' Bills*, to be distinguished from *Private Bills* which are bills of local or particular application).

Public Bills introduced into the Commons are taken by the following stages on their way to the statute book:

1. *First Reading*: generally a formal stage, when the Bill is recorded as being introduced, is ordered to be printed, and becomes available to Members and to the public.
2. *Second Reading*: the principles of the Bill are discussed and a wide debate may take place.
3. *Committee Stage*: The Bill is examined clause by clause and word by word in a committee. Amendments may be made at this stage, but the Bill may not be so amended that the principles agreed on Second Reading are traversed. (For kinds of committees, see below.)
4. *Consideration, or Report, Stage*: this stage takes place in the House if the Bill has been amended in a Committee of the whole House (see below) or if it has been sent to any other

kind of committee; new amendments may be moved at this stage.

5. *Third Reading*: again the principles of the Bill are discussed, though debate is narrower than on Second Reading, being confined to the text of the Bill as it has emerged from earlier stages.

If, as occasionally happens, the Government of the day believe that the progress of a Bill of theirs is too slow, they may have recourse to a *Guillotine*. This is the name given to a process by which the House resolves to allot only a certain amount of time to each stage of the Bill's progress. By this means the Government are assured of the Bill's passing through the House within a given period of time; but a possible consequence is that certain portions of the Bill may eventually become law without the House having given any detailed consideration to them at all.

When the Commons have passed a Bill it is sent to the House of Lords, where it is taken through substantially the same stages. The *Royal Assent* is then given to the Bill. Nowadays this stage is a formality, the Assent invariably being signified by a Commission of Peers appointed by the Sovereign.

B. Committees

COMMITTEE OF THE WHOLE HOUSE this Committee consists of every Member of the House sitting as a committee in the chamber of the House, with the Chairman of Ways and Means presiding instead of the Speaker and the Mace being under, instead of on, the Table. The rules of debate are more informal than when the House is sitting as a House.

Committees of the whole House are appointed for various purposes.

The most important are:

1. *The Committee of Supply*, which considers all the public expenditure that has to be submitted annually by the Government in the form of Estimates, Supplementary Estimates, and Votes on Account (q.v. below).
2. *The Committee of Ways and Means*, which has two functions: first to vote money to meet the expenditure already agreed to by the Committee of Supply, secondly to authorize taxation.

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3. 'Money' Committees of the *Whole House*, which decide how much public money may be spent on implementing a particular Act of Parliament.

STANDING COMMITTEES These committees are appointed to consider the Committee stage of Public Bills. A Standing Committee has from 20 to 50 Members appointed because of their special knowledge of, or interest in, the Bill which is to be considered. As with Select Committees (see below) Standing Committees must reflect in their composition the balance of parties in the House.

For a description of the *Scottish Standing Committee* and its relation to the SCOTTISH GRAND COMMITTEE, See page 68.

SELECT COMMITTEES Any Committee set up by the House, which is not a Committee of the whole House or a Standing Committee, is a Select Committee. In practice Select Committees are usually appointed to look into particular subjects and report their views to the House. A Select Committee usually comprises not more than 15 Members. It is given by the House the powers (for example, to send for persons and papers) necessary to forward its inquiries.

JOINT COMMITTEES These Committees are appointed to consider a subject (or sometimes a Bill) of special interest to both Houses. They are composed of an equal number of members of each House.

C. Finance

ALLOTTED DAYS 26 days are allotted by the Standing Orders of the House in each session to the business of *Supply*, that is, the main and supplementary Estimates of expenditure laid before the Commons by the Government, and related matters.

CONSOLIDATED FUND This is the official description of the Government's account at the Bank of England. All public revenues flow into this account and public expenditures are a charge upon it. A *Consolidated Fund Bill* is brought in before 31 March in each session to authorize payments from the Consolidated Fund to cover the Vote on Account (see below). A *Consolidated Fund*

(*Appropriation*) *Bill* is brought in towards the end of July to appropriate all the sums paid out of the Consolidated Fund to the specific purposes for which the Commons have voted them.

ESTIMATES The detailed annual statements of expenditure proposed by the Government are known as the Estimates. The Estimates relate to the financial year 1 April to 31 March, and are laid before the Commons the previous February.

SUPPLEMENTARY ESTIMATES are estimates for expenditure, over and above that included in the Main Estimates, which may become necessary during the Session as the result of new policies, etc.

FINANCE BILL This is the bill which gives legislative force to the taxes which the Government think necessary to impose. Such taxes are proposed by the Chancellor of the Exchequer each year (generally in April) in his *Budget*.

VOTE ON ACCOUNT Instead of voting the full sum required for the Estimates the House of Commons prefers to vote first an advance payment known as the Vote on Account. By this means approval of the full sum given finally in the Consolidated Fund (*Appropriation*) *Bill* is withheld until the Commons have completed their examination of the Estimates in the 26 allotted days.

D. General

ADJOURNMENT MOTIONS i.e. Motions proposing that the House 'do now adjourn' – are moved at the end of each day's sitting to enable Members to raise subjects of which they have given previous notice. Such debates last half an hour. But in addition the motion is sometimes moved in order to allow a full debate on some wide-ranging subject.

BACKBENCHERS All Members who do not hold ministerial office and are not official Opposition spokesmen.

EARLY DAY MOTIONS Motions tabled by Members for debate, not on a particular date, but on 'an early day'. They are used to give publicity to a Member's views, and, since other Members are able to add their names in support of each motion, are useful in

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indicating how much parliamentary support exists for a given point of view.

PRIVATE MEMBERS See Backbenchers.

QUESTION HOUR For an hour a day, Mondays to Thursdays, Ministers have to answer Questions, put to them by Members, on any matter within their official responsibilities.

STANDING ORDERS Rules of order and procedure which each House of Parliament has laid down over the years to govern its debates.

WHIPS Members who are party officials.

*Some other books published by Penguins are described
on the following pages*



published by Penguin Books

Is Parliament receiving the right information to enable it to decide and control in the conditions of today?

The principal purpose of the House of Commons is – as it always was – to control public spending. Amid the complex legislation and astronomical budgets of a modern state, however, a busy debating society of some 600 overworked members can be little more than a rubber-stamp, adding the initials of democracy at the foot of the government's bill. How, we may ask, can the unqualified representatives of the people presume to decide issues which may, at root, call for expert scientific understanding?

The two authors of this Penguin Special have made a close study of Parliament's workings. They believe this historic institution can be made to fulfil its intended function today, and they show how, with a fuller service of information, the Commons could be briefed to scrutinize more effectively the actions of the Executive. Their suggestions for improving that effectiveness are reasonable, practical, and well-informed.

Cover design by Alan Aldridge